

2016

NORTH  
CENTRAL  
COLLEGE

NAPERVILLE, ILLINOIS

*Founded 1861*



# Annual Security and Fire Safety Report



## **About this Report**

North Central College Department of Campus Safety prepares this annual report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Naperville Police Department and with local law enforcement agencies surrounding our non-Naperville owned, leased or rented properties (i.e. Tailor Loft Apartments and The Flats at East West University housing in Chicago, IL; classes held at high schools in Downers Grove, IL; and College-owned property in Dixon, IL). Campus Safety also seeks collaboration with the Office of Residence Life, Center for Global Education, the Dean of Students' office, the Health Education and Victim Services Coordinator, and the Title IX Coordinator when compiling data for this report.

Campus crime, arrest, and referral statistics include those reported to Campus Safety, to designated campus officials (including deans, directors, department heads, coaches, human resources and advisors to student organizations), and local law enforcement agencies. Campus crime statistics also include aggregate data provided by the College's Health Education and Victim Services Coordinator. This role serves as a confidential resource and campus advocate for victims of sexual misconduct, including sexual assault, sexual harassment, dating/domestic violence, and stalking. As such, the Health Education and Victim Services Coordinator reports aggregate data to the College's Title IX Coordinator who shares this data with Campus Safety to ensure it is included in annual crime statistics. Because this information is not directly reported to the Department of Campus Safety and is only reported in aggregate form, it is not typically included in the Daily Crime log.

Each year, email notification is made to all North Central College faculty, staff, and enrolled students providing a web based link to this report. Physical copies of this report may be obtained by request at the Department of Campus Safety.

## **Campus Safety Procedures**

### **About the Department of Campus Safety**

The Department of Campus Safety is the primary department responsible for safety, security and emergency response at North Central College. The Department of Campus Safety is located on the lower level of New Hall at 451 S. Brainard Street. Campus Safety officers are available 24 hours a day, 7 days a week, year round.

Campus Safety officers are trained professional security personnel and trained student officers. Campus Safety officers have the authority to ask any person on College property for identification, determine whether individuals have lawful business at the College, to enforce College policy and to issue parking citations. Campus Safety officers do not have arrest authority and are not armed.

The Department of Campus Safety has an excellent working relationship with both the Naperville Police and Fire Departments where assistance and support can be obtained immediately. For all reported crimes, the reporting party is encouraged and assisted by the Department of Campus Safety to also report the crime to the Naperville Police Department.

### **Contacting Campus Safety**

Campus Safety officers can be reached by dialing extension 5911 from any campus phone or by dialing 630-637-5911 from an off-campus telephone or cellular phone. Campus phones are located in the lobbies or public areas of many buildings across campus. In addition, 19 emergency call boxes are located throughout the campus. These emergency call boxes can be used to report a crime, a fire, or any other type of emergency.

## **Confidential Reporting**

If you are the victim of a crime and do not want to pursue action with the College's disciplinary system, you may still want to consider making a confidential report. The best way to make a confidential report is through the Dyson Wellness Center (630-637-5550) with the Health Education and Victim Services Coordinator (630-637-5113) or through the Campus Conduct Hotline service. The Campus Conduct Hotline can be used for any type of reporting and the caller may remain completely anonymous. This hotline can be used for reporting Title IX violations, sexual harassment, student/staff behavior, financial irregularities, complaints, etc. Any member of the North Central community (faculty, staff or student) may report a serious complaint or concern to the Campus Conduct Hotline at **866-943-5787**. Reports made confidentially may be difficult for the College to follow up on, but information provided in confidential reports will be included in the College's annual crime statistics where applicable, including aggregate data provided by the Health Education and Victim Services Coordinator. The tracking of confidential reports may assist Campus Safety or the Health Education and Victim Services Coordinator in taking the proper steps to ensure the safety of others. Individuals reporting a crime to the Dyson Wellness Center will also be made aware of the option to file a non-confidential report with the Naperville Police, North Central College Department of Campus Safety, and/or the Title IX Coordinator (where applicable).

While the Department of Campus Safety will always work diligently to protect a complainant's privacy, not all information reported to the Department of Campus Safety can remain confidential. For example, in situations where there is an ongoing threat to the campus community, Campus Safety may need to take immediate action. Additionally, voluntary statements submitted during the North Central College student disciplinary and investigative processes are not confidential and may be used by the College during the student conduct process or to address on-going concerns.

## **Crime Reporting**

North Central College community members are strongly encouraged to immediately report criminal activity, suspicious circumstances and suspicious person(s) in an accurate and timely manner to the North Central College Department of Campus Safety at 630-637-5911 and the Naperville Police at 630-420-6666 (non-emergency) or 9-1-1 (emergency). In addition to reporting a crime to Campus Safety, the following individuals may also be contacted to report a crime:

**Vice President for Student Affairs and Dean of Students**, 630-637-5153

**Associate Dean of Students**, 630-637-5147/630-637-5152

**Director, Campus Safety** 630-637-5912

**Director, Dyson Wellness Center** 630-637-5161

**Director, Residence Life**, 630-637-5861

**Title IX Coordinator**, 630-637-5340

**Area Hall Director On Call**, 630-816-5298

## **Campus Security Authorities**

To further encourage the timely reporting of crimes on campus, the Jeanne Clery Disclosure of Campus Security and Campus Crime Act identifies and defines Campus Security Authorities (CSAs) as College faculty and staff members with "significant responsibility for student or campus activities." Some examples of CSAs could include staff members of the Department of Campus Safety, deans, directors, department heads, athletic coaches, student organization advisors, residence hall staff, Student Affairs staff, Title IX coordinator and Title IX deputy coordinators, Health Education and Victim Services Coordinator. All crimes reported to CSAs must be reported to Campus Safety in a timely manner. The Health Education and Victim Services Coordinator will report aggregate data to the Title IX Coordinator multiple times throughout the year. Reports made to Campus Security Authorities may be used as the basis for the issuance of Timely Warning safety alerts or other emergency notifications.

## **Emergency Response and Evacuations**

North Central College practices emergency response procedures on a regular basis. Fire and tornado drills are performed annually. The College's Crisis Task Force also conducts table top exercises on a regular basis. Fire evacuation and severe

weather shelter information is posted in all buildings. You can view the College's emergency procedures at <http://cardinalnet.northcentralcollege.edu/omc/responseplan/>

### **Access to Campus Facilities and Residence Halls**

Most campus buildings and facilities are accessible to members of the campus community and invited guests during business hours, 8 AM – 5 PM Monday–Friday. Select buildings may be open during limited hours on Saturday and Sunday. Building hours are posted on each academic building. The doors leading to student residence halls or residence areas remain locked 24 hours a day. Unlimited access is available to students residing in a particular building via a key or card access system. Guests must be escorted by their host at all times when visiting a residence hall. All student rooms are equipped with locking doors and windows. Students are advised to keep their doors locked at all times. Campus Safety conducts regular perimeter security checks of buildings daily. Any issues or reported concerns are immediately documented and addressed by Campus Safety and/or Business Operations Department to ensure the security of the facility and the safety of the campus community members. The College employs a full-time locksmith who is responsible for the maintenance of keys, locks and access controls. Additionally, the Department of Campus Safety employs a full-time Assistant Director for Access and Transportation, who maintains and monitors card access and assigns card privileges to students, faculty, staff, and select visitors.

### **Maintenance and Security of Campus Facilities**

The College views campus safety and security as a key priority. Exterior lighting is an important part of this commitment. Surveys of exterior lighting on campus are conducted by Campus Safety and Risk Management staff on an on-going basis. Members of the campus community are encouraged to report any exterior lighting deficiencies to the Department of Campus Safety at 630-637-5826 or by email at [campussafety@noctrl.edu](mailto:campussafety@noctrl.edu). Maintenance regularly inspects campus facilities, promptly makes repairs affecting safety and security, and responds to reports of potential safety and security hazards, such as broken windows and defective locks. Exterior doors on campus buildings are locked and secured each evening. Maintenance concerns related to safety and security should be reported to Campus Safety or Residence Life staff immediately.

### **Residence Hall Staff**

Residence hall staff members regularly monitor the campus residence halls. Resident Assistants (RAs) are student staff members that report to an Area Hall Director or Assistant Director. An RA lives in the residence hall and has specific responsibilities for working with students in the residential community. The RA is the primary facilitator for the development of community on an assigned floor or in a specific building. RAs cultivate relationships with students in the residential community through regular contact, floor meetings, and walking rounds of the building. They also plan and implement educational and social opportunities (programs) consistent with department requirements and learning outcomes. RAs respond to student issues, mediate student conflict situations, address policy violations, and call for assistance in the event of an emergency. Area Hall Directors are professional staff members who live in the residence halls, lead and assist RAs in the duties outlined above, and share an on-call emergency duty rotation. An Area Hall Director is on duty 7 days a week, 24 hours a day. To reach the Area Hall Director on Duty, call 630-816-5298.

Please note: North Central College does not have any off-campus student organizations with non-campus housing facilities (i.e. fraternities, sororities).

### **Law Enforcement Authority and Interagency Relationships**

All Campus Safety Officers are required to complete a criminal background check and to complete a 40+ hour comprehensive training course that covers topics ranging from report writing and defensive tactics to managing mental health emergencies. Campus Safety officers are not sworn law enforcement officers, nor do they have arrest powers. When appropriate, officers detain individuals for the Naperville Police Department. North Central College Campus Safety frequently collaborates with the Naperville Police Department in sharing information related to safety and security and in training efforts when possible/appropriate. When the Naperville Police Department responds to an incident on campus, the

police department may take any of a series of actions, which may or may not include documenting the incident in a report, conducting preliminary and additional investigations, issuing criminal summonses or citations, making arrests, and conducting criminal investigations related to the incident.

### **Information on Registered Sex Offenders**

The Victims of Trafficking and Violence Protection Act of 2000 requires colleges and universities to inform students and employees how to learn the identity of registered sex offenders living on or near campus. This law contains the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974.

All sex offenders are required to register in the State of Illinois and to provide notice of each institution of higher education at which the person is employed, carries a vocation or is a student. The State of Illinois will notify the appropriate law enforcement jurisdiction of the information. This information is also logged into the state's Sex Offender Registry. To learn the identity of registered sex offenders on or near campus, or anywhere in Illinois, visit the state's Sex Offender Registry at <http://www.isp.state.il.us/sor/> and search by city, county, or zip code. North Central College is in DuPage County, and the zip code is 60540.

The DuPage Sheriff Office's also maintains a searchable sex offender registry which can be located at: <http://www.icrimewatch.net/index.php?AgencyID=54038>.

## **Campus Crime Prevention Program**

**Safety Escort Program** – Safety escorts are provided by the Department of Campus Safety, 24/7/365 to students, staff, and faculty for security purposes. These escorts are for campus locations including the remote parking lot located on Aurora Avenue. Additionally, students, staff, and faculty may request an escort between the 5<sup>th</sup> Avenue train station and campus. Campus Safety also provides medical escorts for non-emergency situations on campus to and from Edward Hospital, DuPage Urgent Care, Wheaton Eye Clinic-Naperville location, and other locations on a case-by-case basis.

**Printed Crime Prevention Materials** – Printed crime prevention brochures, such as the *Campus Crime Prevention* brochure, and posters related to motor vehicle security, bicycle security, residence hall security, and the safety escort program are distributed at crime prevention presentations, the WAC front desk, and at the Department of Campus Safety office.

**Daily Crime Log** – The Department of Campus Safety maintains a Daily Crime Log to record all criminal incidents and alleged criminal incidents that are reported to the Department of Campus Safety. The Department of Campus Safety does not disclose information when it is prohibited by law, if the disclosure would jeopardize the confidentiality of a victim, would cause a suspect to flee or evade detection, or if it would result in the destruction of evidence. The Daily Crime Log is designed to provide crime statistics/information on a timelier basis than the statistical disclosures in the College's Annual Security and Fire Safety Report. This Daily Crime Log is maintained and updated within two business days of the date the crime is reported to the Department of Campus Safety. Dispositions on the Daily Crime Log are maintained for 60 days after a crime is included in the log. A copy of the College's Daily Crime Log may be requested from the Department of Campus Safety for review. The crime log for the most recent 60-day period is immediately available for public inspection, upon request, during normal business hours. Any portion of the log that is older than 60 days is open to public inspection, upon request, and made available within two business days of the request.

**Weekly Safety Reports** – The Department of Campus Safety publishes a Weekly Campus Safety Report, which is available on the College website at <https://www.northcentralcollege.edu/campus-safety/campus-safety-reports>. This weekly report is compiled using the Daily Crime Log information for a seven-day period.

**Timely Warnings** - If a major safety incident occurs, the campus community will be notified by a RAVE text message alert and/or a special bulletin that will be emailed to all students, faculty and staff. Additionally, a safety bulletin may be posted at the entrance/exit to each residence hall, various high traffic areas on campus, and on the Campus Safety website. The safety bulletins are displayed on bright orange paper designed to draw their importance.

**Campus Safety Facebook & Twitter Page** – Safety tips, programming, and other select information pertaining to the campus and surrounding Naperville community can be found on Department of Campus Safety social media. The North Central College Department of Campus Safety’s Facebook page is available at [www.facebook.com/ncccampussafety](http://www.facebook.com/ncccampussafety) and the Twitter page is at <https://twitter.com/CampusSafetyNCC>.

### **Safety Awareness Education**

Students receive written information about campus safety in materials they receive during summer orientation and registration. *Information Central*, the orientation guidebook, contains information about making safe decisions, an overview of campus safety resources, and information about where to locate weekly campus safety bulletins.

In addition, during Welcome Week Orientation, students receive a presentation on substance abuse and alcohol consumption. Dyson Wellness Center also collaborates with the Department of Campus Safety and the Office of Residence Life to host various prevention awareness programs, such as *Question. Persuade. Refer.* (QPR), a suicide prevention program; personal safety and defense programs; and Oktoberfest, which is an event that educates students on the dangers of drug and alcohol abuse, while also supporting those who choose not to drink alcohol. The event also aims to educate students on how to consume alcohol responsibly. The College’s Center for Student Success and Department of Student Involvement coordinate a 7-week course for First Year Experience (FYE), this has included an educational theatre production of “Erasing the Distance”, which addresses the issues of substance abuse and addiction.

As required by the Drug Free Schools and Campuses Act, North Central College publishes an in-depth biennial review of drug and alcohol programming from the previous two years. The most recent published report from January 2017 is available at the following web link: <https://www.northcentralcollege.edu/transparency/health-safety-reports-policies>

Finally, North Central College is a *Green Dot Campus*. Faculty, staff, and students are regularly afforded the opportunity to become trained in research-based bystander intervention techniques in an effort to reduce instances of power-based personal violence including sexual assault, interpersonal violence, and stalking.

### **Electronic Security and Telephone Systems**

*Emergency Call Boxes* – Eight exterior emergency call boxes are linked to the Department of Campus Safety and are located throughout the campus.

*Campus Telephones Boxes* – Eleven campus telephone boxes are available to quickly contact the Department of Campus Safety and are located at various locations around campus.

*Electronic Alarm Systems* – An electronic monitoring system is located in various buildings throughout campus. This includes a network of intrusion detection, fire alarms, and duress alarm systems. Alarm Detection Systems monitors the system and communicates directly with Campus Safety in the event of a concern.

*North Central College Photo Identification Card* – Every North Central College faculty, staff, and student is issued a North Central College photo identification card. This card is needed to gain access to the residence halls and certain academic buildings, to purchase food on campus, to attend college functions, and for identification purposes when requested by College officials. Identification cards can be obtained from the Department of Campus Safety during regular business hours, located in New Hall at 451 S. Brainard Street.

## Emergency Notification

North Central College will, without delay and taking into account the safety of the community, determine the content of an emergency notification and initiate the notification system. North Central College will issue emergency notifications unless in the professional judgement of responsible authorities, issuing said notification may compromise efforts to contain, appropriately respond to, or otherwise mitigate the emergency.

North Central College uses the following channels to communicate information in an emergency or dangerous situation:

1. *The College's website* is the primary means for communicating information and instructions in the event of an emergency. During severe incidents, the website home page will display information about the situation. In the event of a prolonged incident, updated information will be posted on the website as warranted. In the event the College's website is incapacitated, the secondary backup Internet communications channel will be the College's Facebook page, located by visiting [www.facebook.com/NorthCentralCollege](http://www.facebook.com/NorthCentralCollege).
2. *RAVE Alert System* - Students are highly encouraged to stay informed of emergency information, as it relates to campus occurrences, by signing up for text alerts through RAVE. Students can enter up to 3 separate phone numbers to receive emergency notification alerts directly to their phone. All registered North Central College students and all faculty and staff automatically have their school email address added to the system, to receive e-mail notifications. RAVE alerts facilitate immediate notice of incidents, including school closings, severe weather or other campus-related emergencies. The RAVE system may be utilized to send information through any one of several communication channels, including email, text message, social media or website updates.
3. *A broadcast e-mail* may be sent to College administrative staff, faculty, support staff, and students with information about the situation.
4. *The Outdoor Alert System*, an outdoor communication/mass notification system, may be activated to issue warnings or to communicate information and instructions. North Central College's Outdoor Alert System includes two loudspeakers located on the roofs of Carnegie Hall and Benedetti-Wehrli Stadium. The system is intended to notify people outdoors at the time of an emergency. It is not intended to notify people inside of buildings.
5. The College will provide information to the *Emergency Closing Center* ([emergencyclosings.com](http://emergencyclosings.com)), which may share that information with Chicago-area media.
6. *Fire alarms* in campus buildings may be activated and operated by the on-duty Campus Safety supervisor or designee to evacuate a building.
7. *A broadcast voicemail* may be delivered to users who have a voicemail account, including faculty, staff, students and main office phones.
8. *A recorded voicemail* message may be prepared for those who call the main campus number, 630-637-5100, and include information about the situation.
9. *Residence Life staff* may work to personally contact students through a variety of means including in-person verbal communication, postings and social media.
10. *A visual message* may be broadcast via the College's networked computer system.
11. *Campus Safety officers* may communicate notifications from their vehicles via bullhorns.
12. The faculty general manager of the *College's radio station*, 89.1 FM WONC, may be notified of information to broadcast to the community.

13. Warnings and information may be posted to the official North Central College Facebook (<https://www.facebook.com/NorthCentralCollege>) or Twitter (<https://twitter.com/northcentralcol>) pages.

### **Timely Warnings-Safety Alerts**

The Department of Campus Safety will provide timely warning notices to inform members of the College community about serious crimes that occur on or adjacent to our campus, where prior knowledge of that serious crime would aid others in not becoming the victim of a similar case and where an on-going threat to safety may exist. These warnings will be posted if the incident is reported to the Department of Campus Safety. Campus Safety may issue/post crime alerts for incidents of sexual assault, murder, aggravated assault, robbery involving force or violence, major incidents of arson, and other crimes as determined by the Director of Campus Safety, or their designee. Alerts may be posted at the entrances of buildings on campus and emailed to North Central College email accounts. Safety alerts are not generally posted for the above listed crimes if:

1. The offender is apprehended and the threat of imminent danger for members of the community has been mitigated by the apprehension.
2. If a report was not filed with the Department of Campus Safety, or if the office was not notified in a manner that would allow for the office to post a “timely” warning for the community.

The content of the timely warning will include a general description of the safety concern or incident, description of suspect(s) if applicable and known, and who to contact with additional information and safety tips. When possible and without causing delay, members of the College’s Crisis Task Force, Office of Marketing and Communications, Dean of Students Office and Campus Safety may be used to gather information, determine the content of the timely warning and disseminate the information to the College community via any or all of the emergency notification systems listed above.

The Director of Campus Safety is responsible for ensuring that a timely warning is issued to the College community. In the absence of the Director, the Assistant Director is responsible for ensuring the warning is issued. A copy of the warning is kept on file in Campus Safety.

### **Emergency Response Plan**

North Central College is committed to the safety of all students, faculty and staff and all who visit our campus. The Emergency Response Team has put together the Emergency Response Plan with the sole purpose of preparing the College community in the event of an emergency or a disaster.

Our priorities are to protect human life, to meet community needs, to ensure the academic viability of the institution, to protect College property, to recover as quickly as possible from the emergency, and to protect the reputation of the College.

This information is a summary of the institutional Emergency Response Plan and was developed to provide guidelines so students, faculty, and staff know how to react during emergency situations.

Please review this information carefully and be prepared for situations that can arise at any time. For more information about the Emergency Response Plan, please visit its website at:

<http://cardinalnet.northcentralcollege.edu/employees/omc/emergency-response-plan>.



## **Additional Campus Policies**

*Note: All policies listed in this document are from the 2016-2017 academic year and may have been updated for the 2017-2018 academic year. All policies are subject to change at any time. For up-to-date College policies for students please visit [www.noctrl.edu/handbook](http://www.noctrl.edu/handbook). For up-to-date College policies for faculty and staff please visit <http://cardinalnet.northcentralcollege.edu/employees/personnel-policy-guide>.*

### **Emergency Contact and Missing Person Policy**

All students, faculty and staff are encouraged to add their emergency contact information into their Merlin account and review it periodically to ensure its accuracy. All resident students are required to provide the Office of Residence Life with the name of an emergency contact person as part of the check-in procedure for campus housing.

1. If a student is under the age of 18, the emergency contact person must be a parent or legal guardian. The emergency contact person may be called during medical emergencies, depending on the severity of the situation and the wishes of the student involved.
2. The emergency contact person also will be contacted if the student is reported missing by roommates, friends, or instructors for at least 24 hours. The emergency contact person may be called sooner than 24 hours if the College has reason to believe foul play may be involved in the disappearance of the student. If a student has been missing for more than 24 hours, or if foul play may be involved, a report will also be made to the Naperville Police Department.
3. A missing person's contact information is registered and confidential, typically accessible only to authorized campus officials, and may not be disclosed except to a designated emergency contact or law enforcement personnel in furtherance of a missing person investigation.

### **Policy Statement Regarding Alcohol Use**

North Central College recognizes that personal choices involving the use of alcohol have an impact on both the individual and the community. The College's alcohol policy, written in accordance with Illinois State law, supports the mission of the institution and its academic and student development goals.

North Central College students are subject to all Federal, State, and Local laws pertaining to alcohol. In the event prosecution occurs outside the College, violators also may be subject to the College's Student Conduct Process. Additionally, North Central College, as an educational institution, sets supplementary community standards for its members that are over and above prescribed Federal, State, and Local laws. North Central College alcohol policies include:

- A. **Public Consumption:** Consumption of alcohol on College property is prohibited – regardless of age – unless it is being offered as part of an official College program or event in a specially designated location. While alcohol may be safely consumed in residence hall rooms by students and guests who are 21 years of age or over, specific rules apply (see additional policies below).

*Note - Students, regardless of age, are prohibited from tailgating at sporting events or other functions on college property unless accompanied by a parent or guardian.*

- B. **Of-Age Alcohol Policy:** Students who are 21 years of age or over may possess or consume alcohol in residence hall rooms provided that all other individuals in a room, suite, or apartment are of legal drinking age (see note below), and the door to the room is closed. Alcohol may not be consumed in residence hall balconies, lounges or public areas within the residence hall or apartment building. Please note, any alcohol present when College policies are being violated is subject to confiscation and disposal, even if one or more of the students involved in the incident is 21 years of age or older.

*Please note, any alcohol present when College policies are being violated is subject to confiscation and disposal, even if one or more of the students involved in the incident is 21 years of age or older.*

1. Students of the legal age of 21 are prohibited from being present where alcohol is being consumed by individuals under the age of 21. Presence is defined as being in the room, suite, vehicle or other location proximal to the possession or use of illegal substances.
2. Students who are 21 years of age or older who wish to transport alcohol on campus may do so only if the alcohol is in an unopened, sealed container(s), and covered from open view.
3. The atmosphere of a room in which there is possession and/or consumption of alcohol must not create significant noise or disturbances, and the door of this room must be closed.
4. Students who live off-campus at a local residence are expected to abide by all local laws and ordinances related to alcohol. Of-age students who host underage students at an off-campus gathering where alcohol is present may be found in violation of this policy.

C. Underage Alcohol Policy:

1. Students under the age of 21 are prohibited from possessing, distributing, or consuming alcohol.
2. Students under the age of 21 are also prohibited from being in the presence of alcohol on campus (see note below), even if the individual(s) possessing or consuming the alcohol are of the legal age of 21, and are following all other guidelines.\* Presence is defined as being in the room, suite, vehicle, or other location proximal to the possession or use of illegal substances.
3. It is expected that underage students abide by local laws and ordinances related to alcohol whether on or off campus. If it is determined that an underage student consumed alcohol at an off-campus location, he/she may be found in violation of this policy.

*Note: Presence of Underage Roommates. Underage students whose roommates, apartment mates or suitemates are 21 years of age or older may be present when alcohol is possessed or consumed in their residence hall room, suite, or apartment. However, underage roommates are not permitted to consume alcoholic beverages themselves. If guests who are under the age of 21 are found anywhere in a room, suite, or apartment where alcohol is being consumed all of the individuals will be subject to disciplinary action regardless of age.*

*Note: College Sponsored Events. Alcohol is occasionally served as part of an official College program or event in a specifically designated location (for example; Homecoming in the Residence Hall/Recreation Center). In situations like this, underage students may be present where alcohol is being consumed by of-age students or guests, but may not consume alcohol themselves.*

- D. Students who choose to consume alcohol are expected to do so responsibly. Intoxication itself is a violation of the North Central College alcohol policy. In addition, students who are highly intoxicated, in the opinion of the College staff member present at the time, will be transported to the hospital via ambulance at cost to the student.
- E. Substance Free Halls: A substance-free designation is given to any living environment where alcohol and alcohol paraphernalia are prohibited. Any room in which first year students reside, including all rooms in Geiger, Seager, Rall, and Patterson are substance-free. Additionally, rooms or floors in other residence halls may be designated as substance-free.
- F. Drinking Games
1. Games that are centered around alcohol, focus on drinking large quantities of alcohol, or promote unsafe consumption are prohibited.
  2. Drinking games played with non-alcoholic beverages are also prohibited.

3. Being in the presence of, or being in possession of any device or paraphernalia commonly used to play drinking games is prohibited. These devices, including beer pong supplies and “Beirut” tables, are also subject to confiscation and/or disposal.

#### G. Alcohol Containers and Paraphernalia:

1. Alcohol containers, regardless of the content, are prohibited in substance-free residence halls and in rooms or suites where all roommates are underage.
2. Kegs and any other containers over two gallons in capacity – whether empty or full – are prohibited anywhere on campus, and are subject to confiscation and disposal, regardless of the age of the person(s) possessing them.
3. Alcohol paraphernalia including beer bong, funnels and beer boots are not permitted on campus and are subject to confiscation and disposal.

#### H. Powdered Alcohol:

The consumption, possession or distribution of any powder or crystalline substance containing alcohol, as defined by state/local law, - is prohibited by College policy and Illinois state law.

### **Policy Statement Regarding Drug Use**

North Central College recognizes that personal choices involving the use of drugs have an impact on both the individual and the community. The College’s drug policy, written in accordance with Illinois law, supports the mission of the institution and its academic and student development goals.

Both Illinois and Federal Law prohibit the possession and/or distribution of illegal drugs. Criminal penalties include fines, imprisonment, and, in certain cases, the seizure and forfeiture of the violator’s property. Penalties are increased for second time offenses. In addition, financial aid (particularly federal aid) may be forfeited. North Central College students are subject to all Federal, State, and Local laws pertaining to the use, possession, and presence of drugs. The College cooperates fully with law enforcement officials in the prosecution of cases involving controlled substances.

Additionally, North Central College, as an educational institution, sets supplementary community standards for its members that are more restrictive than prescribed Federal, State, and Local laws. Violations of these policies are also subject to disciplinary action through the College’s Student Conduct Process.

### **North Central Drug Policy**

Students are prohibited from the unlawful use, possession, or distribution of any illegal drug or illegal drug paraphernalia, whether on or off campus. Students are also prohibited from being in the presence of illegal drugs or illegal drug paraphernalia. Presence is defined as being in the room, suite, vehicle, or other location proximal to the possession or use of illegal substances, activities or paraphernalia. The North Central College drug policy covers illegal and illicit use of controlled substances, including marijuana, stimulants, depressants, hallucinogens, opiates/narcotics, inhalants, synthetic drugs, or any other intoxicating compound. The unauthorized possession or use of prescription drugs is also prohibited. If a significant quantity of drugs, or items suggesting drug distribution are found (for example: scale, small self-sealing baggies, etc.), the College may refer the case directly to a hearing panel to consider suspension or dismissal.

### **Medical Marijuana**

North Central College prohibits the possession or use of all cannabis, cannabis products, or any substances containing THC (tetrahydrocannabinol) on campus, or at any College sponsored event or activity off campus. This prohibition includes the possession and use of medical marijuana. The Compassionate Care Act, an Illinois law that permits the use of medical marijuana by persons possessing lawfully issued medical marijuana cards, also states: “Nothing in this Act shall prevent a university, college, or other institution of post-secondary education from restricting or prohibiting the use of medical cannabis on its property.” Additionally, North Central College is required to certify that it complies with the Drug-Free Schools and Communities Act (20 U.S.C. 1145g part 86 of the Drug and Alcohol Abuse Prevention Regulations). The

federal government regulates drugs through the Controlled Substances Act (21 U.S.C. A 811) which does not recognize the difference between medical and recreational use of marijuana. Thus to comply with the Federal Drug-Free School and Communities Act, North Central College prohibits all cannabis use, possession, manufacture or distribution.

### **Consequences of Alcohol and Drug Violations**

All incidents involving drugs and alcohol will be processed through the College's Student Conduct Process. Students found in violation of alcohol and/or drug policies may be subject to sanctions deemed appropriate by the College, such as counseling assessments, educational projects, community service, reprimand, restitution, suspension, probation, or dismissal. Standard sanctions include:

- A. Fines:** Each student involved in an incident where the College's Alcohol or Drug Policy is violated will be assessed a \$100.00 fine for a first offense. All subsequent incidents in which alcohol and/or drug violations occur will carry with them a \$200.00 fine, per person found in violation. Fines must be paid in cash or by personal check in the Office of the Dean of Students within one month (31 days) of the administrative hearing or hearing panel date, or the date on which the case is decided. Fine deadlines that fall on a weekend or holiday must be paid in advance of the deadline. Any fine outstanding after one month will be doubled and placed on the student's account. All money collected through fines will be used for alcohol and drug abuse programming or interventions.
- B. Parental Notification:** After the first occurrence, parents will be notified when students who are under the age of 21 violate the alcohol policy at North Central College. Parents may be notified of a student's first violation of the alcohol policy, if, in the College's opinion, the offence is severe. The College informs parents of students under the age of 21 in all cases where a student violates the College's drug policies. For additional information on parental notification, please contact the Vice President for Student Affairs and Dean of Students.

### **Medical Amnesty**

The safety and wellbeing of students is of primary importance to North Central College. Each student plays an important role in creating a safe, healthy and responsible community. The College understands that the potential for disciplinary action as a result of an alcohol or drug-related incident may be a deterrent to students who might seek emergency medical assistance for themselves or others. Because the College wants students to seek assistance promptly in the event of a health or safety emergency involving alcohol or drug use, a policy of medical amnesty has been adopted as part of a comprehensive approach to reduce the harmful effects of substance use.

- A.** If a student seeks help in a medical emergency (by calling 911 or Campus Safety at 630-637- 5911), the College will not take disciplinary action for possession or consumption of alcohol or drugs against:
- A student who initiates a request for medical assistance for oneself;
  - A student who initiates a request for medical assistance for another student; and/or
  - The student for whom medical assistance is sought.
- B.** Any student(s) afforded amnesty under this policy will be required to meet with staff from the Dean of Students Office or Residence Life for a formal review of the incident. Failure to attend this required meeting will result in the revocation of the amnesty. The outcome of this meeting may be a counseling or health assessment, or other educationally appropriate interventions.
- C.** While no formal disciplinary action will be taken in cases that meet the conditions of this policy, College staff will document the incident and follow up accordingly. Repeated incidents or intentional abuse of this policy may result in parental notification and/or disciplinary action.
- D.** This policy does not preclude disciplinary action regarding all other behaviors prohibited in the Student Handbook, including but not limited to sexual misconduct, hazing, conduct that endangers, damage, vandalism, and the unlawful provision or distribution of alcohol or drugs.

## Drug and Alcohol Education and Abuse

North Central College provides a comprehensive program of events and information to educate students about the negative impact of alcohol and drug abuse. Students who would like more information on alcohol, drugs, and the affects thereof, are encouraged to contact the staff in the Dyson Wellness Center. Students experiencing difficulties with alcohol or drug use should talk with a staff member in Student Affairs, Residence Life, or the Dyson Wellness Center. Following is a list of resources and contact information that may be utilized for support and care:

### ON-CAMPUS RESOURCES/INFORMATION

- The Dyson Wellness Center (confidential medical and counseling services) 630-637-5550, <http://www.northcentralcollege.edu/dyson>
- Employee Assistance Program, MHN, A Health Net Company 1-800-511-3920, <http://www.members.mhn.com>
- Kimberly Sluis, Vice President for Student Affairs and Dean of Students 630-637-5151  
<http://cardinalnet.northcentralcollege.edu/studentlife/home>
- Jeremy Gudauskas, Associate Dean of Students 630-637-5151
- Kevin McCarthy, Associate Dean of Students 630-637-5151
- Rebecca Gordon, Title IX Coordinator 630-637-5754
- Campus Safety 630-637-5911

### OFF-CAMPUS RESOURCES/INFORMATION

- Naperville Police Department, Phone: 911/ 630- 420- 6666
- DuPage County Sheriff Department, 501 N County Farm Rd, Wheaton, IL 60187 Phone: 911/630-682-7256
- DuPage County Health Department, 111 N County Farm Rd, Wheaton, IL 60187 Phone: 630-627-1700 (24 hours)
- Crisis Line DuPage Mental Health Services, 1776 S Naperville Rd, Building B, Suite 203 Wheaton, IL 60189  
Phone: 630-690-2222
- Linden Oaks Hospital at Edward Hospital, 852 West Street, Naperville, IL 60540 Phone: 630-305-5129 or 630-305-5500
- Rosecrance, 608 South Washington Street Naperville, IL 60540 Phone: 630-849-4295 Financial Expectations:  
<http://www.rosecrance.org/substanceabuse/financialexpectations/>
- Resurrection Behavioral Health Addiction Services, 2001 Butterfield Road, Suite 320 Downers Grove, IL 60515  
Phone: 847-493-3600
- Gateway Foundation Alcohol & Drug Treatment, 8 locations Phone: 877-321-7326 [www.RecoverGateway.org](http://www.RecoverGateway.org)
- Timberline Knolls (Residential treatment for young women), 40 Timberline Drive, Lemont, IL 60439 Phone: 630-343-2326
- Alexian Brothers (Behavior Health Hospital), 1650 Moon Lake Blvd. Hoffman Estates, IL 60194 Phone: 847-882-1600
- FAIR: Family & Adolescents in Recovery, 2010 East Algonquin Rd. Schaumburg, IL 60173 Phone: 847-359-5192  
<http://www.fairkids.com/index.php/fair- programs/yapyoung-adult-program-iop/>
- DuPage County State's Attorney's Office Judicial Office Facility, Annex 503 N. County Farm Road Wheaton, IL 60187

## Statement on Discrimination, Harassment, Sexual Misconduct and Retaliation

*Note: All policies listed in this document are from the 2016-2017 academic year and may have been updated for the 2017-2018 academic year. All policies are subject to change at any time. For up-to-date College policies for students please visit [www.noctrl.edu/handbook](http://www.noctrl.edu/handbook). For up-to-date College policies for faculty and staff please visit <http://cardinalnet.northcentralcollege.edu/employees/personnel-policy-guide>.*

To ensure compliance with Title IX and other federal and state civil rights laws, North Central College has developed internal policies that will provide a supportive process for individuals who report discrimination, harassment, sexual misconduct or retaliation and that will ensure a fair process to resolve allegations of discrimination, harassment, sexual misconduct, including sexual violence, and/or retaliation.

### **Reason for Policy/Purpose**

The purpose of this policy is (1) to articulate the College's commitment to the values of fairness, equity, and equal opportunity; (2) to describe categories of conduct that may constitute discrimination, harassment, sexual misconduct or retaliation; (3) to explicitly prohibit discrimination, harassment, sexual misconduct and retaliation; (4) to establish procedures to follow when a member of the College community believes that he/she has been subject to discrimination, harassment, sexual misconduct or retaliation; and (5) to provide a pathway to share concerns regarding the College's policies, procedures and/or practices in the event that they cause a discriminatory impact.

North Central College ("College") is committed to maintaining a positive learning, working, social and residential environment. The College does not discriminate or allow harassment on the basis of race, color, religion, ethnicity, national origin, sex, gender identity, gender expression, age, marital status, citizenship, mental or physical disability status, religion, sexual orientation, order of protection status, military or veteran status, genetic information, unfavorable military discharge (except dishonorable discharges) or any other characteristic protected by law in admission and access to, and treatment and employment in, its educational programs and activities.

In pursuit of these goals, the College will not tolerate acts of discrimination, harassment, sexual misconduct and/or retaliation involving any administrator, staff, faculty, student, guest, visitor, camper, vendor or subcontractor, as such behavior seriously undermines the College's effectiveness as an educational institution and a workplace. While the College adheres to and supports the principles of academic freedom, each member of the North Central College community also shares in a common responsibility to maintain an environment free from discrimination, harassment, sexual misconduct and retaliation. Administrators, faculty and staff members who violate this policy will be subject to disciplinary action, up to and including termination of employment. Students who violate this policy will be subject to disciplinary action up to and including expulsion.

Failure of a non-confidential employee to timely report an incident or incidents of sex or gender harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action.

The resolution procedures set forth in this policy provide a fair and impartial process for reporting, investigating, resolving, and determining appropriate sanctions or remedies in relation to a report of discrimination, harassment, sexual misconduct and/or retaliation.

The Title IX Coordinator has primary responsibility for enforcement of this policy, specifically for coordinating efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent sex discrimination, sex or gender-based harassment, sexual misconduct and/or retaliation (collectively referred to as sexual misconduct).

Rebecca Gordon  
Title IX Coordinator

532 Old Main  
30 N. Brainard  
(630) 637-5340  
[rgordon@noctrl.edu](mailto:rgordon@noctrl.edu)

The Assistant Vice President for Human Resources, assists the Title IX Coordinator, regarding efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop remediate, and prevent discrimination, harassment, retaliation based on race, color, religion, national origin, age, marital status, citizenship, mental or physical disability status, religion, sexual orientation, order of protection status, military or veteran status, genetic information, unfavorable military discharge (except dishonorable discharges) (here after referred to bias based on protected class).

John Acardo  
Assistant Vice President for Human Resources  
508 Old Main  
30 N. Brainard  
(630) 637-5754  
[jjacardo@noctrl.edu](mailto:jjacardo@noctrl.edu)

Together, this team plays an integral role in carrying out the College's commitment to creating, fostering and maintaining an educational, employment, and campus environment that is free of discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) and retaliation.

**External Inquiries may also be made to:**

Office of Civil Right (OCR); Midwest Region  
U.S. Department of Health and Human Services  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

Equal Employment Opportunity Commission (EEOC)  
Chicago District Office  
500 West Madison Street  
Suite 2000  
Chicago, IL 60661  
Phone: (800) 669-4000  
Fax: (312) 869-8220  
Contact: <http://www.eeoc.gov/contact/>

Illinois Human Rights Commission  
<https://www.illinois.gov/ihr/Pages/default.aspx>

For definitions of the terms and terminology used throughout this policy, please refer to the Definitions/Glossary of Terms section of this policy.

## **Policy Jurisdiction and Applicability**

The College is able to respond to alleged violations of this policy that occurred on campus, that are part of official College programs/groups (regardless of location), or where the responding party is a member of the College community, regardless of location and regardless of whether the reporting party is a member of the College community. If the responding party is unknown or is not a member of the College community, the Title IX Coordinator/Deputy Coordinator will assist students or others in identifying appropriate campus resources or local authorities if the individual would like to file a report. In addition, the College may take other actions as appropriate to protect the student, faculty, or staff member against such third parties.

The policy covers administrators, Staff, Faculty, Students, Groups/Programs, Guests, Visitors and Third-Party Consultants/Contractors.

## **Policy Review and Updates**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

This policy and procedure is in effect for the 2016-17 Academic year and was implemented on September 12, 2016.

## **Contacts for this Policy**

If you have questions about this Policy, you may:

1. Contact the Title IX Coordinator, Rebecca Gordon, at 630-637-5340 or [rgordon@noctrl.edu](mailto:rgordon@noctrl.edu).
2. Call the Office of Student Affairs at 630-637-5151 or the Office of Academic Affairs at 630-637-5353.
3. Send an email to [studentaffairs@noctrl.edu](mailto:studentaffairs@noctrl.edu) or Academic Affairs via [smrickert@noctrl.edu](mailto:smrickert@noctrl.edu).
4. Anonymously report a concern through the Campus Conduct Hotline by calling 866.943.5787.

## **Definitions/Glossary of Terms**

The following terms are used throughout this policy and are defined by the main headings identified below:

### **Resolution Process and Parties to an Allegation of Policy Violation**

**Title IX Coordinator/Deputy Coordinators:** The Title IX Coordinator, Rebecca Gordon (OM 532, [rgordon@noctrl.edu](mailto:rgordon@noctrl.edu), 630.637.5340) is assisted by five (5) Title IX Deputy Coordinators:

- Susan Kane, Assistant Athletic Director (MF 106C, [smkane@noctrl.edu](mailto:smkane@noctrl.edu), 630.637.5501)
- Jeremy Gudauskas, Associate Dean of Students (OM 502, [jkgudauskas@noctrl.edu](mailto:jkgudauskas@noctrl.edu), 630.637.5147)
- Francine Navakas, Associate Vice President for Academic Affairs (OM534, [fnavakas@noctrl.edu](mailto:fnavakas@noctrl.edu), 630.637.5285)
- Sharon Merrill, Assistant Director of Human Resources (OM 511, [semerrill@noctrl.edu](mailto:semerrill@noctrl.edu), 630.637.5718)



- Kevin McCarthy, Associate Dean of Students (OM 503, [kemccarthy@noctrl.edu](mailto:kemccarthy@noctrl.edu), 630.637.5152)

Together, these individuals are responsible for coordinating the College's compliance with Title IX and VAWA Section 304, which includes, among other responsibilities, oversight of the resolution process, communications and training in connection with Title IX's prohibition of discrimination based upon sex/gender, and identifying and addressing any patterns or systemic problems that arise during the review of reports. The Title IX Coordinator and Deputy Coordinators are knowledgeable about and will provide information on, all options for addressing and resolving allegations of discrimination on the basis of sex/gender, including concerns pertaining to sexual harassment and sexual misconduct. At North Central College the role of Title IX Coordinators extends to other forms of discrimination cited above, as well as sex/gender discrimination. Together, this team plays an integral role in carrying out the College's commitment to creating, fostering and maintaining an educational, employment, and campus environment that is free of discrimination, harassment, sexual misconduct and/or retaliation.

**Reporting Party:** The person who reports an allegation of discrimination, harassment, sexual misconduct and/or retaliation. Reporting parties may be individuals or groups of individuals who have been impacted by discrimination, harassment, sexual misconduct and/or retaliation, or a third-party who brings an allegation on behalf of another member(s) of the College community. Allegations may be brought forth in person, in writing, by phone, via email, or by other means of notice.

**Responding Party:** The individual who is alleged to have engaged in discrimination, harassment, sexual misconduct and/or retaliation. A responding party may be an individual or a group/program.

**Advisors:** The parties may each have any advisor of their choosing to accompany them at all meetings and at any hearing panel associated with an allegation in which the party to the allegation is participating. The advisor may attend, but does not participate in meetings or the hearing except to provide advice and support to their advisee, rather than advocacy and/or representation. If any party prefers a current member of the North Central College community to act in this capacity, the Office of Academic Affairs, Student Affairs or Human Resources will help the party to identify an appropriate advisor. Advisors may not be someone who could be called as a possible witness to the allegation, and must be compliant with the College's expectations for advisor conduct and decorum (*for more information on advisors see Procedure for Reporting Violations of this Policy - Section V*).

**Confidential Advisor or Advocate:** A College employee who is trained in providing technical assistance to reporting parties who experience any form of sexual violence, sexual or gender-based harassment, intimate partner violence, and or stalking. Reports made to this person are confidential unless the reporting party signs a release of information. The confidential advisor/advocate provides crisis support, an overview of on- and off campus options, referrals and will accompany the reporting party to meetings related to any process that is chosen.

**Responsible Administrator:** An administrator who is the College representative and who works with the Title IX Coordinator/Deputy coordinator to receive and/or manage allegations of discrimination, harassment, sexual misconduct and/or retaliation. A responsible administrator is obligated to act in accordance with this policy upon learning of a potential violation of this policy.

**Investigator:** An impartial individual who is free from any conflict of interest, who coordinates the gathering of information from parties who may have information relevant to the allegation and who prepares a report setting forth the facts gathered. An investigator has specific training and experience to investigate allegations of discrimination, harassment, sexual misconduct and/or retaliation. This person may be a faculty or staff member or, at the sole discretion of the College, an external party as determined by the circumstances. Investigators receive annual training coordinated by the Title IX Coordinator.

**Witness:** An individual who may offer relevant knowledge or information regarding the allegations being investigated. Typically, character witnesses will not be included in a resolution process.

**Resolution Process:** The process followed to ensure a thorough, reliable, impartial, prompt, and fair approach to facilitating and resolving allegations of misconduct. A resolution process may include a formal and/or an informal approach to resolving issues, as appropriate, except in the case of a faculty discrimination allegation arising out of Faculty Personnel Committee action where the resolution process will always be the formal approach.

**Appeal Panel:** As part of the formal resolution of an allegation for student responding parties, an appeal panel will be charged with reviewing the appeals from both parties on the basis that there were procedural errors, new information not available at the time of the investigation, or disproportionate sanctions.

**Hearing Panel:** As part of the formal resolution of an allegation where the respondent is a faculty or staff member, a hearing panel will be charged with conducting a hearing to determine, based on a preponderance of the evidence, whether or not the faculty or staff member violated any College policy specific to the alleged misconduct.

**Hearing Panelist:** An individual who has been selected and trained to serve on a panel that will review a discrimination, harassment, sexual misconduct and/or retaliation allegation where the respondent is a faculty or staff member, through the process defined by this policy. Hearing panelists will receive training on how to review of an allegation in an equitable, fair and impartial way that protects the safety of the community and promotes accountability. Panelists will be chosen to participate on a given panel on the basis of such considerations as diversity, balance, impartiality and the absence of conflict of interest. All hearing panelists annually receive special training on issues pertaining to sexual misconduct, sexual harassment, discrimination, stalking, retaliation, and intimate partner violence.

**Preponderance of Evidence Standard:** The preponderance of evidence is the standard by which policy violations are determined and means evidence that shows a policy violation is more likely than not.

#### **Terminology Defining Standard of Affirmative Consent and Prohibited Conduct:**

**Affirmative Consent:** Affirmative consent is defined as a clear, active, informed, and voluntary agreement to engage in specific sexual activity. Affirmative consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual interactions. The following points are important aspects of affirmative consent:

- Consent must be mutual and ongoing throughout a sexual encounter and can be revoked at any time. If at any time consent is withdrawn, the activity must stop immediately.
- Consent can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable and clear. Although consent does not need to be verbal, verbal communication is the most reliable form of communicating consent. Non-verbal communication heightens the potential for ambiguity, even in long-term relationships. Talking with sexual partners about desires and limits is necessary as the basis for positive sexual experiences shaped by mutual willingness and respect.
- Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent.
- Silence or passivity alone (absent a non-verbal action clearly demonstrating consent) is not considered consent. Consent cannot be inferred from the absence of a “no”; a clear “yes”, verbal or otherwise, is necessary.
- Affirmative consent may be called in to question with respect to minors or mentally disabled individuals.
- Affirmative consent is not possible during sexual activity with someone the responding party knows to be, or should know to be, incapacitated. Examples of incapacitation can include, but are not limited to, being highly intoxicated to the point where rational judgments are not possible, being blacked out, passed out, asleep, unable to respond or communicate. Alcohol consumption by the responding party does not excuse a policy violation, or compromise what a reasonable person (who is sober and using good judgment) would have known about the situation.
- Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

- Affirmative consent cannot result from force, or threat of force, coercion, fraud, intimidation, or threat. Physical force includes but is not limited to: hitting, kicking and restraining. Intimidation can include deterring a person from some action by inducing fear or inducing action by implied threat. Coercion is shown by an unreasonable amount of pressure for sexual activity. Threatening someone can come in the form of words, gestures, or non-verbal actions that create consequences for non-compliance. It is not possible to obtain affirmative consent for a sexual act through the above described means, though nothing in this policy is intended to limit consensual sexual behaviors such as bondage, discipline, dominance and submission, sadomasochism, or other non-conventional sexual practices between consenting adults.

Below are some examples/scenarios where Affirmative Consent is **NOT** present:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never have done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. **Bill is responsible for violating the College’s sexual misconduct policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda is unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**
- Jiang is a junior at the College. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for sexual misconduct. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, a verbal “yes” is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one’s partner may not be in a position to provide as clear an indication as the affirmative consent policy requires. As the policy makes clear, consent must be actively, not passively, given.**
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it’s a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says “yes”. Clothes go flying, and they end up in John’s bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks John may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can’t help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. **This is a violation of the sexual misconduct policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of affirmative consent and respectful conduct the College expects.**

**Discrimination:** Conduct that is based upon an individual's race, color, ethnicity, religion, national origin, sex, gender identity or expression, age, marital status, citizenship, mental or physical disability status, religion, sexual orientation, order of protection status, military or veteran status, genetic information, unfavorable military discharge (except dishonorable discharges) or any other characteristic protected by law that has the effect of excluding individuals from participation in, denies the benefits of, or results in an adverse impact in an individual's employment, education, living environment or participation in a College program or activity.

**Gender-Based Harassment:** Unwelcome conduct based on gender identity or expression, including acts of verbal, nonverbal, or physical aggression, intimidation, harassment, stalking or hostility. Gender-based harassment can occur if one is harassed either for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity or femininity regardless of actual sex or gender identity. Gender-based harassment can include comments like "You're not a real woman," questioning why a student or staff member has elected to use a particular restroom, or failing to use a student's preferred pronouns or name, once known, in the classroom, residence halls or during other interactions with the College. These actions can lead to the creation of a hostile environment in which the conduct is sufficiently severe or pervasive to cause substantial emotional distress or interfere with an individual's work, learning, or living environment. Students have the option to provide a chosen name which will be used in place of the individual's legal name in such areas as the network login, email, Blackboard, class photo roster. For a full list of the areas in which a chosen name can be used and process for requesting a chosen name substitution can be found at <https://cardinalnet.northcentralcollege.edu/node/3675>

**Harassment:** Unwelcome actions on the basis of actual or perceived protected class status (protected classes are defined above). Such conduct may include, but is not limited to repeated infliction of verbal abuse, such as the use of derogatory remarks, insult and epithets; written communication or physical conduct of a hostile or humiliating nature; the sabotage or undermining of an individual's work or academic performance; or attempts to exploit an individual's known psychological or physical vulnerability; changing someone's mail address or sending unwanted subscriptions; unwanted and repeated phone calls, text messages or emails, contact over social media sites; or showing up or creating a disturbance at the person's residence, work educational, or other setting.

These are acts that a reasonable person would find offensive based on the severity, nature and frequency of the conduct. A single act may not typically constitute harassment unless it is severe. Harassment may be perpetrated in person, via third parties, electronic means or social media, or in print - all of which are a violation of College policy. All harassment should be reported to the College, and remedies will be afforded appropriately, under this policy.

**Intimate Partner Violence:** Intimate Partner Violence (commonly referred to as dating, domestic, or relationship violence) can encompass a broad range of abusive behavior committed by a person who has an intimate relationship with the person who is the target of abuse. Abusive behaviors include: emotional/psychological abuse, physical and/or sexual abuse, violence, harassment, threats, intimidation, forcing someone to participate in illegal activities such as selling drugs or stealing, or depriving someone of necessities such as food or medicine. The intimate relationship includes a past or present dating relationship, spouse or romantic partner, and a person with whom a child is shared in common. While covered under Illinois Domestic Violence Act (750 ILCS 60), abusive behaviors committed by a student living in the same residence (such as a roommate) or by a caregiver may be considered a violation of the Student Handbook, specifically the Conduct that Endangers policy under the Responsibility to the College and its Members section of the handbook. Potential violations of the Conduct that Endangers policy will be adjudicated through the process outlined in the Student Handbook.

Below are some examples/scenarios of Intimate Partner Violence:

- The partner of a transgender student prevents them from going to their doctor's appointment to receive their weekly hormone injection.
- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.

- An ex-girlfriend shames her female partner, threatening to out her as a lesbian to her partner's parents if she doesn't give her another chance. Threats are a form of Intimate Partner Violence.
- A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control, though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

**Non-Consensual Sexual Intercourse:** Defined as sexual penetration, no matter how slight, with any object, by a person upon another person that is without consent and/or by force. Sexual intercourse includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

**Non-Consensual Sexual Contact:** Defined as any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes intentional contact with the breasts, groin, genitals, or mouth or touching another with any of these body parts, or making another touch you, or themselves, with, or on, any of these body parts either directly or through clothing; or any other bodily contact in a sexual manner. Non-consensual sexual contact can take place even over an individual's clothing.

**Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another person for his/her own benefit or for the benefit of anyone other than the person being exploited and does not otherwise constitute sexual misconduct under this policy. Examples of prohibited conduct include, but are not limited to: non-consensual video/audio taping of sexual activity by any electronic device; non-consensual sharing of a consensually made video/audio tape of sexual activity; prostitution; going beyond the boundaries of consent given, such as by secretly allowing others to watch consensual sex; or voyeurism of a sexual nature. Sexual exploitation is prohibited and will be treated as sexual misconduct.

**Sexual Harassment:** Unwelcome sex-based conduct, or unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal and physical conduct of a sexual nature constitutes sexual harassment. Types of sexual harassment may include quid pro quo sexual harassment or hostile environment harassment. Typically, a single act or offensive comment would not meet the criteria for sexual harassment, however, a single or isolated incident can be sufficiently severe to be considered sexual harassment as would be the case with sexual or physical assault. While it is not possible to list all of the conduct or circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

- Unwelcome sexual advances – whether they involve physical touching or not – and unwanted discussions of sexual matters;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Sexist remarks/ behaviors that are delivered with the intent to belittle, control, embarrass or hurt others;
- Requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threatened punishment;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

The definitions of sexual harassment are intended to be illustrative and are not limited to the stated definitions.

**Hostile Work, Learning, or Living Environment:** Unwelcome conduct creates a hostile environment when it is severe or pervasive (persistent), and objectively offensive, whether intended or not. To constitute a hostile environment, the

harassment must be sufficiently severe or pervasive to affect the conditions of the reporting party's employment, academic standing or participation in an education program, social or residential activity, or cause significant emotional distress. Such conduct may create a hostile environment for individuals other than those at whom the conduct is directed. Harassment that creates a hostile environment includes peer harassment, such as student-to-student or colleague-to-colleague. A single incident or isolated incidents of offensive conduct or remarks may create a hostile environment, but generally do not unless the conduct is quite severe. Not all harassment creates a hostile environment, but even instances that may not constitute a hostile environment should be addressed under the informal procedures of this policy so that they are not repeated, and so that remedial actions can be taken for the reporting party and the College community.

**Hostile Learning Environments and Academic Freedom:** Robust discussion and debate are fundamental to the life of the College. Classroom instruction requires appropriate latitude for germane pedagogical discussions, as well as other methodologies used to fully engage students. This policy will be interpreted in a manner that is consistent with academic freedom. Free speech rights apply in the classroom and in all other educational programs and activities of the College. Great care must be taken not to inhibit open discussion, academic debate, expressive activity, and expression of personal opinion, particularly in the classroom and within academic forums. Nonetheless, speech or conduct of a sexual or hostile nature which occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited discrimination, harassment, sexual misconduct, or retaliation if it meets the definitions of misconduct provided throughout this policy and a) is reasonably regarded as non-professional speech (i.e., advances a personal interest of the faculty member or a student as opposed to furthering the learning process or legitimate objectives of the course), or b) lacks accepted pedagogical purpose and/or is not germane to the academic subject matter.

**Quid Pro Quo Harassment:** A type of sexual harassment, *quid pro quo* sexual harassment, may occur when anyone in a position of power or authority over another uses that power to subject such other person to unwelcome sexual attention or verbal or physical conduct of a sexual nature. In general, *quid pro quo* sexual harassment means: unwelcome sexual advances, requests for sexual favors, or other verbal and physical conduct of a sexual nature by one in a position of power or influence when:

- Submission by an individual is made either an explicit or implicit term or condition of employment or of academic standing; or
- Submission to, or rejection of, such conduct is used as the basis for academic or employment decisions affecting that student or employee; or
- Such conduct creates an intimidating, hostile or offensive working or educational environment (*See definition of Hostile Work, Learning or Living Environment listed above*).

Most often *quid pro quo* sexual harassment arises in the context of an authority relationship or power differential. This relationship may be direct (as in the case of a supervisor/subordinate or teacher/student), or it may be indirect (when the harasser has the power to influence others who have authority over the targeted person or persons.) This definition is intended to be illustrative and is not limited to the stated definition.

Some examples/scenarios of possible Sexual Harassment include:

- A professor insists that a student have sex with them in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

**Sexual Misconduct:** Includes sexual and gender-based harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, intimate partner violence and stalking. Additionally, in Illinois, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime, as well as a violation of this policy, even if the minor consented to engage in the act.

**Stalking:** Stalking is engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety or the safety of family members or intimate/dating partners, or to suffer significant emotional distress. Stalking may include a pattern of repetitive and menacing behavior such as pursuit, unwelcome attention, surveillance, following, harassing, threats of immediate or future harm, and/or interfering with the peace and/or safety of another. Stalking can be perpetrated in person, via email, phone, text messaging, and social networking sites or other electronic means – all of which are a violation of College policy. Stalking someone on the basis of their actual or perceived membership in a protected class (age, race, sex, etc.) is also form of sexual, gender or biased-related, harassment and is prohibited.

Some examples of possible stalking include:

- Avery and Scout began dating at the start of the school year. Scout ended the romantic relationship after a month. After the breakup, Scout blocked Avery on Facebook. Avery would then create multiple new Facebook accounts in an attempt to get around the fact that Scout had blocked him on Facebook. Additionally, Scout noticed that Avery was showing up at many of the same events and programs he was attending, even ones that occurred off-campus. Scout later discovered that Avery had installed spyware on his computer that allowed Avery to take screen shots of Scout’s computer. Scout believes this is how Avery was determining where Scout was going to be at any given time.
- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything necessary to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. We are meant to be together.” This is a form of stalking and is against College policy.

## I. CONSENSUAL RELATIONSHIPS

Persons in positions of power or authority over others should be aware of and sensitive to the problems that may arise from apparently consensual relationships with their subordinates. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty-student, staff-student, senior faculty/staff-junior faculty/staff, coach-student, supervisor-supervisee or advisor-advisee). These relationships may be less consensual than perceived by the individual whose position confers power. The power differential inherent in such relationships may compromise free choice, produce conflicts of interest, or encourage favoritism and/or exploitation, and consensual relationships can turn into *quid pro quo* harassment. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later allegation of a violation of applicable College policies.

Any perceived abuse of authority diminishes trust and respect among members of the College community; therefore, all members of the College community are expected to maintain appropriate professional relationships with one another.

### **Relationships with Students:**

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, a consensual relationship policy serves an important purpose in protecting the integrity of the academic and work environment. There are potential risks arising out of romantic or sexual relationships between students and faculty/staff in a higher education setting, where differences in power and authority are substantial and there is potential for coercion or perceptions of favoritism or exploitation. For the personal protection of members of the College community, the College specifically prohibits all faculty members and those staff members whose roles include, but are not limited to, teaching, coaching, advising, supervision of research, supervision of student employees, or participation in considering disciplinary actions, sanctions or remedies involving the student, from entering into or inviting a consensual sexual, romantic and/or physically intimate relationship. In addition, faculty and staff members should not accept authority over a student with whom they have had a consensual relationship without first seeking authorization from the Provost and Vice President for Academic Affairs (for faculty) or the Assistant Vice President for Human Resources (for faculty or staff). Faculty or staff members with a pre-existing relationship should promptly disclose the relationship to the Provost and Vice President for Academic Affairs (for faculty) or the Assistant Vice President for Human Resources (for faculty or staff). The faculty/staff member is expected to take steps to remove him/herself from the position of power or authority over the student, with assistance and in a manner that causes the least detrimental effect for the student.

### **Relationships between Faculty and Staff:**

An individual may be found to have professional influence or authority over a faculty or staff member when that individual supervises or evaluates performance, or recommends/awards salary, reappointment, promotion or tenure of the faculty or staff member. The existence of professional influence or authority is determined on a case-by-case basis.

When a consensual sexual, romantic, and/or physically intimate relationship exists or develops between a faculty or staff member and a member of the faculty or staff over whom they have professional influence or authority, the person with professional influence or authority must promptly report the existence of the relationship to the Provost and Vice President for Academic Affairs (for faculty) or the Assistant Vice President for Human Resources (for faculty or staff). The faculty or staff member will take steps to remove themselves from the position of power or authority, with assistance and in a manner that causes the least detrimental effect for the staff or faculty member in the subordinate position. Because such steps may adversely affect the subordinate person in the relationship, may jeopardize the position at the College of the person with influence or authority, and/or may inconvenience or cause undue hardship to other members of the College community, both parties should be mindful of the potential costs before entering into a sexual, romantic and/or physically intimate relationship.

Failure to comply with this policy or to self-report the existence of a relationship as required by this policy is considered employee misconduct and will be subject to the appropriate disciplinary action in collaboration with Human Resources, which may include suspension without pay or dismissal/termination of employment.

## **II. REPORTING STRUCTURAL OR PROCEDURAL CONCERNS**

The campus community benefits from an environment in which concerns are shared regarding potential structures or procedures which might result in discrimination or bias. The exchange of ideas and problem solving serves an educative function and contributes to the climate of fairness and respect for all members of the College community. When concerns about specific behaviors rise to the level of potential discrimination or bias, the parties should consider sharing their concerns with a supervisor or with the relevant group or program on campus that serves as a resource for communication (i.e., faculty or student governance, the Welfare and Benefits Committee).

## **III. RETALIATION PROHIBITED**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment or discrimination, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of



alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Some examples/scenarios of Retaliation include:

- A student-athlete files an allegation against a coach for sexual harassment; the coach subsequently cuts the student-athlete's playing time in half without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers".
- A member of a student organization participates in a sexual misconduct hearing against the organization president; the student member is subsequently removed as a member of organization because he participated in the hearing.

#### **IV. RESOURCES FOR THOSE AFFECTED BY SEXUAL MISCONDUCT, ASSAULT AND VIOLENCE**

We encourage all individuals affected to promptly report sexual misconduct, assault or violence, in addition to allegations of discrimination, harassment and retaliation to the College. The College recognizes that individuals may choose to make a report to any faculty or staff member. All College faculty and staff members, including student employees, Graduate Assistants or volunteers who function in an official capacity with the College (e.g. Assistant Athletic Coaches), are required to share the report with The Title IX Coordinator or a deputy coordinator within 24 hours to ensure a prompt response and equitable review (*see Procedure for Reporting Violations of this Policy - Section V, A*).

Any student, faculty or staff member who has experienced sexual violence, assault, stalking and/or intimate partner violence is also encouraged to immediately notify local law enforcement and/or seek medical and counseling assistance. If transportation is needed to get medical treatment, contact Campus Safety at 630-637-5911. For any assistance with contacting the local police where the incident occurred, please contact Campus Safety at 630-637-5911.

For confidential reports that will not be shared with others (unless there is expressed, written permission or there is a threat to harm to the person or others), the College's Health Education and Victim Services Coordinator can be contacted at (630) 637-5113. The Victim Services Coordinator provides technical assistance to anyone who has experienced sexual violence, intimate partner violence (i.e. dating and domestic violence), and stalking. The Victim Services Coordinator can assist with anonymous and confidential reporting, notification of law enforcement and the Title IX Coordinator, review of and assistance with pursuing on- and off-campus options such as providing referrals, facilitating academic accommodations, requesting interim safety measures, a Title IX investigation, and orders of protection or no contact orders. In addition, The Victim Services Coordinator can be selected as the advisor of choice and attend all meetings that are part of on- and off campus processes. The Counselors at the Dyson Wellness Center can also be contacted at 630-637-5550 or off-campus resources such as the Family Shelter Service Hotline at (630)469-5650, available 24-hours, and YWCA Rape Hotline at (630) 971-3927, available 24-hours

#### General Information:

If possible, it is extremely important to preserve all evidence of a sexual assault if a criminal prosecution is to be considered. Individuals who have experienced a sexual assault and who wish to pursue criminal prosecution should take the following steps:

- Call Naperville Police at 911 (Emergency) or 630-420-6666 (Non-Emergency) immediately.
- Move to a safe and secure environment, lock the door and wait for Naperville Police to arrive.
- Do not disturb the area where the offense was committed.
- If the environment is not safe or secure, call Campus Safety at 630-637-5911, a friend, or a family member to ask them to come to the location for support. Secure the room where the assault occurred (if possible) without disturbing anything and do not allow anyone else to enter until law enforcement arrives.

- Preserve all physical evidence of the assault. If you can avoid it, it is best not to bathe, shower, urinate, douche or use a toothbrush. Do not wash or discard any articles of clothing worn during the assault. Evidence can still be obtained even if you shower or wash.
- Try to remember any helpful details that might assist in identifying the person responsible, such as scars, marks, jewelry, dress, language, etc. Write details down as soon as you remember them.
- Seek medical attention. Physical injuries might not be apparent, so a medical examination or a discussion with a health care provider about the risk of exposure to sexually transmitted diseases and the possibility of pregnancy resulting from the sexual assault may be helpful. Should there be a concern that a rape drug has been used, ask the health care provider to take a urine sample. If transportation is needed to get medical treatment, contact Campus Safety at 630-637-5911. Evidence can be collected up to 120 hours post-assault, or longer in some cases. Keep the clothes on if you are still wearing what you had on during the assault. Otherwise, bring the clothes with you to the hospital in a clean paper bag or bedsheet.
- Seek support. The College wants individuals to make informed choices about where to turn should they experience sexual misconduct. The College encourages individuals subjected to sexual misconduct to talk to someone about what occurred who is in a position to provide immediate support and who can assist the individual in identifying additional reporting options so that the College can respond appropriately. Different employees on campus have different abilities to maintain a reporting party's privacy. Do not be afraid to ask for help and support from a friend, family member or one, or more, of the on-, or off-, campus resources listed below.

These resources can help to review support options and identify support resources both on- and off- campus:

Confidential Resources:

- Campus Conduct Hotline – 866-943-5787, **24-hours**
- Dyson Wellness Center-Health Education and Victim Services Coordinator: 630-637-5113, M-F: 8AM-5PM
- Dyson Wellness Center-Counselors: 630-637-5550, By appointment;

M-W: 8AM-7PM, TH-F: 8AM-5PM

- Confidential Local Support Services:
- Family Shelter Service Hotline – 630-469-5650, **24-hours**
- YWCA Rape Hotline – 630-971-3927, **24-hours**

Private Resources:

- Title IX Coordinator – 630-637-5340, M-F: 8AM-5PM
- Campus Safety: Officer on Call – 630-637-5911, **24-hours**
- Campus Safety: Director of Campus Safety – 630-637-5910, M-F: 8AM-5PM
- Human Resources: Assistant Vice President for Human Resources – 630-637-5757, M-F: 8AM-5PM
- Residence Life: Director of Residence Life – 630-637-5861, M-F: 8AM-5PM
- Residence Life: Area Hall Director on Call – 630-816-5298, **24-hours**
- Student Affairs: Vice President for Student Affairs and Dean of Students – 630-637-5153, M-F: 8AM-5PM
- Student Affairs: Associate Dean of Students – 630-637-5152 or 630-637-5147, M-F: 8AM-5PM
- Campus Ministry: Director of Ministry and Service – 630-637-5417, M-F: 8AM-5PM
- The White House Task Force to Protect Students from Sexual Assault Website – Not Alone: [www.notalone.gov](http://www.notalone.gov)
- Private Local Support Services:
  - Naperville Police Department: 911 (Emergency) or 630-420-6666 (Non-Emergency), **24-hours**
  - Edward Hospital: 630-527-3000 (Main Switchboard), **24-hours**

### Additional Information for Students:

Additional resources are available to students enrolled at the College, including housing/class changes and counseling via the Dyson Wellness Center. To seek support and/or fully explore the options available in a private manner, contact the Dyson Wellness Center at 630-637-5550 or the Violence Education and Prevention Coordinator at 630-637-5113.

## **V. REPORTING AND RESOLUTIONS PROCEDURES**

### **A. Reporting to the College**

Prompt reporting of discrimination, harassment, sexual misconduct and/or retaliation as defined in this policy is strongly encouraged, as it facilitates expedient resolution. The College may decide to investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond is limited if the responding party is no longer a member of the North Central College community. If a College staff member or faculty member wishes to leave North Central College with an allegation of misconduct pending, the College may continue to investigate and resolve the allegations through the outlined resolution procedures. Students with an allegation of misconduct pending will not be permitted to withdraw from the College until all allegations are resolved.

Any member of the College community, faculty, staff, student, guest, or visitor who wishes to report to the College an incident of discrimination, harassment, sexual misconduct or retaliation as defined above should first bring this matter to the Title IX Coordinator and/or appropriate responsible administrator listed below. Reports may be made orally, in writing or online. Under no circumstances is an impacted individual required to report discrimination, harassment, sexual misconduct, intimate partner violence, stalking and/or retaliation to the person who is the alleged source of/reason for the allegation. All employees receiving reports of sexual misconduct are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation.

There may be situations or circumstances when a member of the College community is subjected to discrimination, harassment, sexual misconduct and/or retaliation, but does not wish to come forward or pursue a resolutions process, or when a person who observes discrimination, harassment, sexual misconduct and/or retaliation directed at another member of the College community reports it to the College. Whether reported directly or by a third-party, the College will do all it can to: 1) respect an individual's desire to make an anonymous or confidential report, 2) to engage in an informal process, or 3) to pursue an investigation. The Title IX Coordinator will evaluate requests for confidential or anonymous reporting and may grant such a request in cases in which there is not a continued individual or community risk. Regardless, with all reports interim supports and remedies may be offered to the reporting party and the community. In cases indicating pattern, predation, multiple offenders, threat, weapons and/or violence, it is unlikely the College will be able to honor a request for anonymity, confidentiality or to take no action. If the Title IX Coordinator determines that an investigation must be pursued, the reporting party will be informed and can participate in as much or as little of the process as they so choose. The College will maintain privacy to the extent possible.

### **Advisors**

Each party is allowed to have an advisor of their choice present with them for all resolution process meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney, advocate or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party

selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one. Additionally, responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their advisors. In order for the College to share information directly to an advisor, a consent form must be completed by the party in question. Parties may share any information they receive directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout. The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

### **Amnesty for Reporting Party and Witnesses**

The College community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in

the best interests of this community that as many reporting parties as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

### **Amnesty for Students**

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a person who has experienced sexual misconduct to Campus Safety). The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be completely overlooked, the College will provide educational options, rather than discipline/punishment, to those who offer their assistance to others in need.

### **Amnesty for Employees**

Sometimes, employees are also hesitant to report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

### **Reports about Students**

To make a report or allegation of discrimination, harassment, sexual misconduct or retaliation involving a student responding party, contact the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Deans of Students in the Office of Student Affairs (Jeremy Gudauskas: 630-637-5147, Kevin McCarthy: 630-637-5152), or the Director of Campus Safety (Marc Molina: 630-637-5910). After business hours, please contact the Area Hall Director on Call at 630-816-5298 or Campus Safety at 630-637-5911 in order to make a report with one of the parties listed above.

### **Reports about Faculty Members**

To make a report or allegation of discrimination, harassment, sexual misconduct or retaliation involving a faculty member as the responding party, contact: the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Provost and Dean of Academic Services (Martí Bogart: 630-637-5355), the Associate Vice President for Academic Affairs (Fran Navakas: 630-637-5285), Director of the Office of Institutional Effectiveness and Planning (Peter Barger: 630-637-5362), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718). After business hours, please contact Campus Safety at 630-637-5911 in order to make a report with one of the parties listed above.

### **Reports about Administrators, Staff, Groups/Programs, and Third-Parties**

To make a report or allegation of discrimination, harassment, sexual misconduct or retaliation involving an administrator, staff member, group/program, or third-party contractor/consultant as the responding party, contact the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718). After business hours, please contact Campus Safety at 630-637-5911 in order to make a report with one of the parties listed above.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Vice President for Student Affairs and Dean of Students (Kimberly Sluis, OM 504, [kasluis@noctrl.edu](mailto:kasluis@noctrl.edu), 630.637.5153), the Provost and Vice President for Academic Affairs (Abiodun Goke-Pariola, OM 538, [agokepariola@noctrl.edu](mailto:agokepariola@noctrl.edu), 630.637.5354) or the College President (Dr. Troy Hammond, OM 424, [president@noctrl.edu](mailto:president@noctrl.edu), 630.637.5454). The College monitors all resolutions for potential conflicts, and asks all employees involved in the resolution process to immediately identify potential conflicts to the Title IX Coordinator. Similarly, any participant in the process who is concerned about a conflict should immediately identify that concern to the Title IX Coordinator. In the event that there is a potential conflict of interest involving the Title IX Coordinator, participants in the resolution process should raise that concern promptly with the Provost and Vice President for Academic Affairs or the Vice President of Student Affairs and Dean of Student.

### **Federal Timely Warning Obligations**

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. For the person who experienced the sexual misconduct, the College will make every effort to ensure that their name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **False Allegations**

Deliberately false and/or malicious accusations of harassment, as opposed to allegations which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

### **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the person who experienced the sexual misconduct and may be done anonymously.

### **Reports Made by Third-Parties**

In cases where the alleged violation is reported to the College by a third-party, the reporting party will be notified by the Title IX Coordinator and/or responsible administrator that a report has been received. The Title IX Coordinator and/or responsible administrator will meet with the reporting party to discuss options and available support resources. If the allegation was received electronically, information will be sent to the reporting party within 12 hours outlining campus resources, policy, and investigation

### **B. Preliminary Inquiries**

Following receipt of notice or a report of misconduct, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-3 days in duration. In the event that the reporting party has asked for no action to be taken, this inquiry provides the opportunity to gather information on whether the allegations show indications of violence, threat, pattern, predation and/or use of a weapon. In any case where violence, threat, pattern, predation, and/or use of a weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party. If circumstances require, Provost and Vice President for Academic Affairs, the Vice President of Student Affairs and Dean of Student, or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

In cases where the reporting party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will initiate a formal investigation and the allegation will be resolved through an investigation and determination of findings regarding policy violations.

If an informal resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to a formal investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator/responsible administrator will provide written notification of the investigation to the responding party at an appropriate time during the investigation. The College aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator/responsible administrator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator/responsible administrator makes an extraordinary determination to re-open the investigation. This decision lies in the discretion of the Title IX Coordinator and/or their designee.

### **C. Informal Resolution Procedures**

**NOTE:** The informal resolution procedure will not apply to any allegation of discrimination involving the Faculty Personnel Committee (*see Formal Resolution Procedures-Section V, E*).

When an incident arises in which a person believes that they have been subjected to discrimination or harassment as defined in this policy, it should be addressed as soon as possible. In many cases, informal actions can be taken that will effectively stop the behavior or actions; however, informal resolution is never required to resolve a concern. If the attempts made by the reporting party do not stop the misconduct, or if the reporting party does not feel that they can confront the offending individual or needs help in the process, then contact with the following individuals may be made:

- If the responding party is a student, the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Deans of Students in the Office of Student Affairs (Jeremy Gudauskas: 630-637-5147, Kevin McCarthy: 630-637-5152), or the Director of Campus Safety (Marc Molina: 630-637-5910).
- If the responding party is a faculty member, the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Provost and Dean of Academic Services (Marti Bogart: 630-637-5355), the Associate Vice President for Academic Affairs (Fran Navakas: 630-637-5285), Director of the Office of Institutional Effectiveness and Planning (Peter Barger: 630-637-5362), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718).
- If the responding party is a member of the administration, staff, group/program, or a third-party consultant/contractor the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718).

At the reporting party's request, the Title IX Coordinator and/or responsible administrator may intervene directly with the party who allegedly engaged in the conduct. In this case, the Title IX Coordinator and/or responsible administrator will provide an opportunity to party who allegedly engaged in the conduct to respond to the allegation and, after discussions with both parties, may attempt to facilitate a solution, which may result in a written agreement between the parties. The Title IX Coordinator and/or responsible administrator will make every effort to resolve informal allegations in a timely manner. When the informal process is initiated, the College aims to complete the process within a thirty (30) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. The informal resolution process may also be utilized when a responding party accepts responsibility for all allegations. The College may take steps to limit and remedy the effects of the alleged misconduct and prevent its recurrence without initiating formal action to discipline the alleged responding party or reveal the identity of the reporting party. The actions available to the College include, but are not limited to: providing increased monitoring, supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the College's policies on discrimination, harassment, sexual misconduct and/or retaliation; and conducting climate surveys.

At any time, either party may end the informal process and begin the formal allegation and resolution procedure. The formal allegation and resolution procedure may also be started if the informal allegation and resolution procedure has not resulted in satisfactory resolution to the reporting party or the College.

#### **D. Interim Measures**

Persons bringing an allegation of discrimination, harassment, sexual misconduct and/or retaliation under this policy may seek the following arrangements from the Title IX Coordinator and/or responsible administrator handling the allegation, who will consult with the appropriate individuals to ensure that arrangements are reasonably available. The College may take whatever measures are deemed necessary in response to an allegation in order to protect the personal safety and well-being of the parties, the safety of the College community and/or College property. Interim measures may also be imposed in instances where it is determined that the responding party may pose a potential threat to another person, as well as in the cases where the responding party poses a threat of disruption or interference with the normal operations of the College. Failure to adhere to the parameters of any interim measure is a violation of College policy and may lead to additional disciplinary action. Interim measures include, but are not limited to:

- An interim suspension or reassignment (immediate, temporary suspension pending the outcome of the resolution process or student conduct process),
- A no contact order (an order that an individual refrain from direct/indirect contact with another person[s]),
- Providing an escort to ensure movement safely between classes, activities or work assignments,
- Restrictions on access to campus or areas of campus (i.e. no trespass order),
- Restrictions on participation in College athletic programs,
- Appropriate changes in academic schedule (for the reporting party and/or responding party), housing arrangements, transportation, office location or work assignment arrangements,
- Assistance with enforcing locally-obtained protection orders on campus,
- Access to counseling and/or health services, and/or
- Assistance in reporting the matter to local police.

Interim measures will be determined in the following ways:

- If the responding party is a student, the Title IX Coordinator and/or responsible administrator will consult with the VP for Student Affairs and Dean of Students, the Associate Deans of Students, or the Director of Campus Safety.
- If the responding party is a faculty member, the Title IX Coordinator and/or the responsible administrator will consult with the Associate Provost and Dean of Academic Services, the Associate Vice President for Academic Affairs, Director of the Office of Institutional Effectiveness and Planning, the Assistant Vice President for Human Resources or the Assistant Director of Human Resources.
- If the responding party is a member of the College administration, a staff member, group/program, or a third-party consultant/contractor, the Title IX Coordinator and/or responsible administrator will consult with the Assistant Vice President for Human Resources or the Assistant Director of Human Resources.

The College will maintain as confidential any program modifications and/or protective measures, provided confidentiality does not impair the College's ability to provide the modifications or protective measures.

For students, it is also recognized that experiences with sex discrimination, sexual or gender-based harassment, sexual misconduct, and/or retaliation can also interfere with their academic performance. Therefore, the Title IX Coordinator will review with the parties their rights to academic accommodations and will assist making these requests to the appropriate advisors, faculty, department chair or dean, or College administrator. Academic accommodations included but are not limited to:

- Working with College staff to minimize the negative impact on the student's completion rate and financial aid awards



- Working with faculty to request academic accommodations such as extra time to complete assignments, projects, or exams.
- Arranging for test or class re-takes, or withdrawal from a class or campus without academic or financial penalty, to the extent possible
- Reviewing any sanctions imposed on the reporting party to determine if there may be a causal connection between those sanctions and the sex discrimination, sexual or gender-based harassment, sexual misconduct, and/or retaliation experienced by the reporting party.

#### Additional Individual and Community Remedies

Imposing sanctions on the responding party found in violation of the policy may not be sufficient to eliminate a hostile environment or create a safe campus environment for the College. Consequently additional community remedies may be necessary. These may include:

- Providing increased monitoring, supervision, or security at locations or activities where sexual misconduct has occurred;
- Offering comprehensive, holistic services to the reporting party such as medical, counseling, advocacy support, and academic support services;
- Training or re-training College employees on how to effectively handle reports of sexual misconduct;
- Developing additional resources;
- Conducting bystander training or sexual misconduct prevention programs;
- Re-issuing policy statements or taking additional steps to communicate that the College does not tolerate sex discrimination, sexual or gender-based harassment, sexual misconduct, or retaliation and will take steps to respond to any and all reports;
- Conducting climate surveys or focus groups; and
- Conducting targeted training for specific student groups or employees

#### **E. Formal Resolution Procedures**

The following outlines the formal resolution procedure that will be used to address alleged violations of this policy and any appeals based on the same. Notice of alleged violations of this policy should be reported to (or will be forwarded to) the College's Title IX Coordinator and/or responsible administrator as follows:

- If the responding party is a student, the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Deans of Students (Jeremy Gudauskas: 630-637-5147, or Kevin McCarthy: 630-637-5152), the Director of Campus Safety (Marc Molina: 630-637-5910), the Assistant Directors of Campus Safety (Mike Willison: 630-637-5910, or Ashley Klco: 630-637-5913), the Director of Residence Life (Marcus Hamp: 630-637-5861), or the Assistant/Associate Directors of Residence Life (Laura Kitoi: 630-637-5859, Jenny Alexander: 630-637-5852), or for disability concerns, Associate Dean of Student Success (Caroline St. Clair: 630-637-5171).
- If the responding party is a faculty member, the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Associate Provost and Dean of Academic Services (Marti Bogart: 630-637-5355), the Associate Vice President for Academic Affairs (Fran Navakas: 630-637-5285), Director of the Office of Institutional Effectiveness and Planning (Peter Barger: 630-637-5362), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718).
- If the responding party is a member of the administration, staff, group/program or a third-party consultant/contractor, the Title IX Coordinator (Rebecca Gordon: 630-637-5134), the Assistant Vice President for Human Resources (John Acardo: 630-637-5754) or the Assistant Director of Human Resources (Sharon Merrill: 630-637-5718).

Once the decision is made to initiate a formal investigation, the Title IX Coordinator appoints an investigation team usually within two (2) days of determining that an investigation should proceed. The investigation team typically includes two investigators, a responsible administrator, and a Deputy Title IX Coordinator. The investigators are responsible for interviewing all parties, identifying and interviewing witnesses, gathering information, and drafting an investigative report. The responsible administrator oversees the investigation, monitors the timeline, provides regular communication to the parties, and reviews the evidence and investigative report. The Deputy Title IX Coordinator facilitates the investigative team's review of the evidence, determination of findings regarding policy violations, and selection of appropriate sanctions if there is a finding of in violation. Investigations are completed expeditiously, normally within thirty (30) days, though some investigations take significantly longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. The investigative team has the authority to investigate all collateral misconduct, meaning that it will investigate all allegations of discrimination, sexual misconduct, harassment and retaliation, but also may identify any additional alleged policy violations that have occurred in concert with the discrimination, sexual misconduct, harassment or retaliation, even though those collateral allegations may not specifically fall within the jurisdiction of these procedures. Accordingly, investigations are conducted with as wide a scope as necessary.

The Title IX Coordinator in conjunction with the investigation team will typically take the following steps, if not already completed (not necessarily in order):

- Within three (3) days of initiating a formal investigation, unless unusual or complex circumstances exist, the Title IX Coordinator and/or responsible administrator will meet with both the reporting and responding parties to review the complaint, related policies, the resolution procedures and provide an opportunity for all parties to identify any bias concerns related to the investigation team that has been assembled to respond to the allegations. The Title IX Coordinator and/or responsible administrator will also identify support resources and interventions or interim measures available to both parties.
- In coordination with campus partners (e.g. Campus Safety, Financial Aid), initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Conduct preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
  - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- In allegations involving the classroom or other instances in which academic freedom may be a consideration, one (1) of the trained investigators assigned will be a faculty member or staff member in the Office of Academic Affairs. An exception to this will be if the College determines, in its sole discretion, to engage an external party to investigate.
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;

- Prepare the notice of allegations on the basis of the preliminary inquiry;
- Meet with the reporting party to take their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an advisor or advocate of their choosing present for all meetings;
- Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- The investigators will conduct interviews as needed with all appropriate individuals, including the reporting and responding party and will gather any pertinent facts and evidentiary materials. Throughout the investigation the parties will have an equal opportunity to present relevant witnesses and other evidence, to fully understand the details of the allegations and to respond. Typically, character witnesses will not be included in a resolution process.
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Provide parties with the investigation summary and access to all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered. The investigators may incorporate feedback from the parties as appropriate. All parties will be able to respond to the content and provide suggested follow-up questions, areas of inquiry, additional witnesses, and/or provide additional corroborating information. The investigators, in consultation with the Title IX Coordinator and responsible administrator, will determine the appropriateness of the suggested inquiry by the parties.
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party and to the responding party, throughout the investigation, as appropriate;
- The investigative team will make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not) and provide the investigative report and finding to the Title IX Coordinator. For student responding parties, the investigative team will also determine sanctions;
- The Title IX Coordinator will review the investigative report, finding, and sanctions for student responding parties found in violation of the policy.
- Title IX Coordinator will finalize and present the findings to the parties, without undue delay between notifications;

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation. Failure of a witness to cooperate with and/or participate in the investigation constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. The Title IX Coordinator can determine if a witness is exempt from being compelled to participate.

All interviews will typically be recorded and transcribed by the College. Participants are strictly forbidden to surreptitiously record the proceedings and doing so is a violation of policy. All participants in the process will have the opportunity to review their transcripts and provide additional information, clarifications or corrections. No unauthorized audio or video recording of any kind is permitted during investigation meetings, appeal processes, or hearing panels.

Once a finding has been made by the investigative team, based on a preponderance of the evidence (whether a policy violation is more likely than not) the following will take place:

Finding of NOT In Violation:

If the Deputy Title IX Coordinator and responsible administrator, with input from the investigators, and using the “preponderance of the evidence” standard (“more likely than not”), find that the responding party is not responsible for a policy violation, the investigation will be closed, and the Title IX Coordinator and/or responsible administrator will notify the reporting party and the responding party of the findings in writing. The College will not require any party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the investigation.

- a. The written notification will include the outcome of the resolution process (findings and rationale) and will be administered without undue delay between the notifications to the parties, and usually within 1-2 business days of the conclusion of the investigation. This written notification will inform the parties when a decision of the College is considered final, any changes made to the findings or sanction, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by the College.
- b. In some circumstances involving a finding of “not in violation,” the College may institute other forms of remedial, community-based responses, such as educational initiatives and/or trainings, as the Title IX Coordinator/Deputy Coordinator and responsible administrator determine appropriate under the circumstances.
- c. The reporting party may appeal the findings of the investigation (*see Appeals Process - Section VI*).

Finding of In Violation for a Student Responding Party:

If the Deputy Title IX Coordinator and responsible administrator, with input from the investigators, and using the “preponderance of the evidence” standard (“more likely than not”), find that the student responding party is responsible for a policy violation, the Deputy Title IX Coordinator and the responsible administrator will impose sanctions/remedies appropriate for the violation(s) (*see Sanctions/Remedies-Section V, G*), the Title IX Coordinator and/or responsible administrator will then notify the reporting party and the responding party of the findings in writing. The College will not require any party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the investigation.

- a. The written notification of the findings will include the outcome of the resolution process (finding, sanctions and rationale) and will be administered without undue delay between the notifications to the parties, and usually within 1-2 business days of the conclusion of the investigation. This written notification will inform the parties when a decision of the College is considered final, and changes that are made to the finding or sanction, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by the College.
- b. The reporting or responding party may appeal the outcome of the investigation (*see Appeals Process - Section VI*).

Finding of In Violation for a Faculty or Administration/Staff Responding Party:

In allegations involving a faculty responding party, a staff responding party, or the Faculty Personnel Committee, where the finding is that a violation of one or more policies has occurred, the parties (reporting party and faculty/staff responding party) will be notified of the findings in writing, as indicated below, by the Title IX Coordinator and/or responsible administrator. As further outlined below, the parties may (1) accept the findings as presented, (2) accept the findings in part and reject them in part, or (3) reject all the findings.

- a. The written notification of the findings will include the outcome of the investigation process and will be administered without undue delay between the notifications to the parties, and usually within 1-2 business days of the conclusion of the investigation. This written notification will inform the parties when a decision

of the College is considered final, any changes that are made to the finding or sanction, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by the College.

- b. If all parties accept the findings of the investigation, the formal allegation procedure will move to the imposition of sanctions/remedies (*see Sanctions/Remedies-Section V, G*).
- c. If either party rejects the findings of the investigation, the Title IX Coordinator will forward the allegation to begin the hearing panel process (*see Hearing Panel Process, Section V, F*).
- d. In cases in which a faculty or staff responding party accepts some findings and rejects others, the findings accepted by the responding party will stand, and a hearing panel will be convened solely to resolve the contested findings. The Deputy Title IX Coordinator and the responsible administrator will impose sanctions/remedies appropriate for the accepted findings (*see Sanctions/Remedies-Section V, G*) and make written notification to the parties as described above. This decision is usually delayed until the outcome of the hearing on the contested findings is determined and would be subject to appeal in accordance with the standards for appeal established by the College.

## **F. Hearing Panel Process**

**NOTE:** The hearing panel process is only utilized for a faculty or administration/staff member responding party who has been found in violation through the investigation process and either the reporting or responding party rejected the findings, in whole or in part.

Contested findings involving a faculty or staff responding party are decided by a five-person panel. Hearings typically occur within 10 business days of notification of a contested finding. Five (5) hearing panel members and one alternate member will be appointed by the Title IX Coordinator/Deputy Coordinator as follows:

- If the responding party is a faculty member, a minimum of two (2) hearing panel members will be selected from the faculty. In allegations involving the classroom or other instances in which academic freedom may be a consideration, three (3) hearing panel members will be selected from the faculty.
- If the responding party is a member of the administration or staff, a minimum of two (2) hearing panel members will be selected from the administration or staff.

In addition, each hearing panel may include one of the following responsible administrators:

- If the responding party is a faculty member: the Associate Provost and Dean of Academic Services, the Associate Vice President for Academic Affairs, or the Director of the Office of Institutional Effectiveness and Planning.
- If the responding party is a member of the administration or staff: the Assistant Vice President of Human Resources, or the Assistant Director of Human Resources.

If a discrimination allegation relates to Faculty Personnel Committee action, including, but not exclusive to retention and tenure decisions, the hearing panel will consist of two (2) hearing panel members appointed by the Title IX Coordinator/Deputy Coordinator and additionally supplemented by representation of three (3) of the eight (8) members of the Faculty Grievance Committee as defined in the Faculty Handbook. The Title IX Coordinator/Deputy Coordinator will select these additional hearing panel members by lot from among the eight (8)-member Faculty Grievance Committee members. If a Faculty Grievance Committee representative identified by lot recuses themselves due to a conflict of interest or is recused for conflict of interest, the Title IX Coordinator/Deputy Coordinator will again make a selection by lot until the full hearing panel is constituted.

All hearing panel decisions will be made by majority vote. The Title IX Coordinator will designate one of the panelists to serve as the Chair for the hearing.

## **Notification of Allegations**

At least five (5) business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Title IX Coordinator and/or Chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator and/or Chair may reschedule the hearing.
- The parties may have the assistance of any advisor of their choosing.
- Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term, will typically be held as soon as possible the next term and/or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the sixty (60) day goal for resolution.

### **Hearing Procedures**

Hearing panels are conducted in private. The panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, sexual misconduct, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, sexual misconduct, harassment or retaliation, even though those collateral allegations may not specifically fall within the jurisdiction of these procedures. Accordingly, investigations are conducted with as wide a scope as necessary.

Participants in the hearing panel include the Chair, the members of the panel, the investigator(s) who conducted the investigation, the reporting party and responding party(ies) (or three (3) representatives from the organization where an organization is alleged to have violated policy), advisors to the parties and any called witnesses. The Title IX Coordinator may attend the hearing as an advisor to the proceedings.

The Title IX Coordinator and/or Chair will exchange the names of witnesses who will be participating in the hearing, all pertinent documentary evidence and any written findings from the investigators between the parties at least two (2) business days prior to the hearing. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members and an alternate at least two (2) business days in advance of the hearing. Should either (any) party object to any panelist, they must raise all objections, in writing, to the Title IX Coordinator and/or Chair as soon as possible. Hearing panel members will only be unseated if the Title IX Coordinator and/or Chair concludes that their bias precludes an impartial hearing of the allegation. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. When a recusal occurs, the Title IX Coordinator will seat an alternate, and appoint a new alternate to fill their place in accordance with the guidelines above.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative attendance or questioning mechanisms are desired, such as the reporting party not wanting to be in the same room as the responding party for the hearing (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair and/or Title IX Coordinator at least two (2) business days prior to the hearing. In the case of documented

disabilities for which accommodations in the process are necessary, the College will make reasonable accommodations for the parties when requested in advance.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the panelists. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel. Any uncontested findings of the investigation report will be shared with the panel, but will not be revisited by the panel, except as necessary to determine sanctions/responsive actions. Once the investigator(s) present their report and are questioned, the panel will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The panel will then permit all present witnesses to provide relevant information and the panel and the parties will each be allowed to ask questions of the witnesses. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair, in consultation with the Title IX Coordinator, will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. The Chair, in consultation with the Title IX Coordinator, will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting or responding parties.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two (2) letters supporting the character of the individuals involved at the sanctioning phase. The Title IX Coordinator may attend the hearing as an advisor to the proceedings.

In hearings involving more than one responding faculty or staff member or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party. Sanctioning is conducted jointly.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors. Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

Once all evidence is presented, the hearing panel will then deliberate in private to review the investigator's report and recommendation, any responses made by the parties, and any other evidence presented at the hearing.

The hearing panel will then determine whether the original investigative finding was appropriate based on the fact pattern from the investigation, all available information, and on a “preponderance of the evidence” standard.

Finding of NOT In Violation:

If the hearing panel, using the “preponderance of the evidence” standard (“more likely than not”), find that the faculty or staff responding party is not responsible for a policy violation, the investigation will be closed, and the Title IX Coordinator and/or Chair will notify the reporting party and the responding party of the findings in writing.

- a. The written notification will include the outcome of the resolution process (finding and rationale) and will be administered without undue delay between the notifications to the parties, and usually within 1-2 business days of the conclusion of the investigation. This written notification will inform the parties when a decision of the College is considered final, will include any changes to the finding or sanction, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by the College.
- b. In some circumstances involving a finding of “not in violation,” the College may institute other forms of remedial, community-based responses, such as educational initiatives and/or trainings, as the Title IX Coordinator/Deputy Coordinator and responsible administrator determine appropriate under the circumstances.
- c. The reporting party may appeal the outcome of the hearing panel (*see Appeals Process – Section VI*).

Finding of In Violation:

If the hearing panel, using the “preponderance of the evidence” standard (“more likely than not”), find that the responding party is responsible for a policy violation, the panel will impose sanctions/remedies appropriate for the violation(s) (*see Sanctions/Remedies-Section VI, D*), the Title IX Coordinator and/or Chair will then notify the reporting party and the responding party of the findings in writing.

- a. The written notification will include the outcome of the resolution process (finding, sanctions and rationale) and will be administered without undue delay between the notifications to the parties, and usually within 1-2 business days of the conclusion of the investigation. This written notification will inform the parties when a decision of the College is considered final, any changes to the finding or sanction, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by the College.
- b. The reporting or responding party may appeal the outcome of the hearing panel (*see Appeals Process – Section VI*).

The College will not require any party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the hearing panel. In the case of a resolution to a Faculty Personnel Committee allegation, the recipients would include the Chairperson of Faculty Personnel Committee and the Provost and Vice President for Academic Affairs.

**G. Sanctions/Remedies**

The following may be considered by the Title IX Coordinator/Deputy Coordinator, responsible administrator or a hearing panel as appropriate in determining sanction(s)/remedy(ies) when it is determined that the responding party has violated the discrimination, harassment, sexual misconduct and/or retaliation policy:

- the nature of and the circumstances surrounding the violation,
- the responding party’s prior disciplinary record,
- precedent decisions,
- College safety concerns,
- the rights of both the reporting party and the responding party, and



- any other information deemed relevant.

The sanction(s) will be structured to end the misconduct, prevent its recurrence, and remedy its effects on the reporting party and the College community. Not all violations will be deemed equally serious offenses. Generally speaking, North Central College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. The sanctions/remedies will be implemented immediately and will be in effect pending the outcome of any appeal. Possible sanctions/remedies include, but are not limited to:

- **For a Student Responding Party:** an oral warning, a written letter of warning, a letter of reprimand, mandatory attendance in an educational program on discrimination, harassment, and/or sexual misconduct, mandatory referral for psychological or chemical dependency assessment and compliance with any resulting treatment plan, change in room assignment, probation, suspension or expulsion from residence halls and/or from non-academic campus activities, suspension or expulsion from the College.
- **For a Faculty Responding Party:** an oral warning, a written warning, a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, sexual misconduct and/or retaliation, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, reassignment, denial of salary increase, suspension without pay or dismissal/termination of employment. Sanctions/remedies that include dismissal/termination of employment will be carried out in accordance with the Faculty Handbook, under Terms and Conditions of Faculty Employment, Separation.
- **For an Administrator or Staff Responding Party:** an oral warning, a written warning, a letter of reprimand, mandatory attendance of an educational program on discrimination, harassment, and/or sexual misconduct, or retaliation, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, reassignment or transfer to another department, denial of salary increase, suspension without pay, final written warning or dismissal/termination of employment. Should the responding party be a member of the President's Cabinet, communication of the outcome will go to the College President. Should the responding party be the College President, communication of the outcome will go to the Chair of the Board of Trustees.
- **For a Group/Program Responding Party:** an oral warning, a written warning, a letter of reprimand, mandatory attendance of an education program on discrimination, harassment, sexual misconduct and/or retaliation, restriction of responsibilities, reassignment, or other sanctions or remedies required to redress the discriminatory behavior/actions.
- **Faculty Personnel Committee Decision-making:** a communication to the Provost and Vice President for Academic Affairs will include remedies that are required to redress the discriminatory behavior/actions.
- **For a Third-Party Consultant/Contractor Responding Party:** up to and including removal from campus and termination of contractual arrangements.

The sanctions/remedies described in this policy are not exclusive of and may be in addition to other actions taken or sanctions/remedies imposed by outside authorities (*see Coordination with Local Law Enforcement-Section IX*). Typically, the Title IX Coordinator/Deputy Coordinator, responsible administrator or hearing panel (via the Chair) will finalize and implement a sanction/remedy decision within ten (10) business days of receiving the investigation report or completing the hearing panel process. The responsible administrator and/or hearing panel Chair will submit a written explanation for the sanctioning/remedy decision to the Title IX Coordinator for review.

Sanctions/remedies imposed will be implemented by the appropriate administrator (Provost and Vice President for Academic Affairs, Vice President of Student Affairs and Dean of Students, Assistant Vice President for Human Resources, or their designees). When the responding party is an employee other than a faculty member, the Assistant Vice President for Human Resources/Assistant Director of Human Resources will institute sanctions/remedies together with the responding party's supervisor and/or department head.

## VI. APPEALS PROCESS

An appeal is not intended to be a new investigation or a full re-hearing of the allegation. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and/or hearing and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity to substitute judgment for that of the investigation team or hearing panel merely because of disagreement with the finding and/or sanction/remedy. Appeal decisions are to be deferential to the investigation team and the hearing panel, making changes to the finding only where there is clear error and to the sanction/remedy only if there is a compelling justification to do so.

Disagreement with the finding or sanctions/remedy is not, by itself, grounds for an appeal. The **ONLY** grounds upon which an appeal may be made are:

- **Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation and/or hearing panel as it applies to the appealing party (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case as it applies to the appealing party must be included in the written appeal;
- **New Information:** New information has arisen which was not available or known to the appealing party during the investigation or hearing panel and that could have substantially impacted the original finding or sanction(s)/remedy(ies) had it been available at that time. Information that was known to the appealing party at the time of the investigation or hearing panel but which the party chose not to present is not new information. A summary of this new evidence and its potential impact on the findings and/or sanctions/remedies must be included in the written appeal; or
- **Disproportionate Sanction(s):** The sanctions/remedies imposed are substantially disproportionate to the severity of the violation(s). An explanation of why the sanction(s)/remedy (ies) are disproportionate to the severity of the violation must be included. Mere dislike or disagreement with the sanction(s)/remedy (ies) or the impact of the sanction(s)/remedy (ies) on the appealing party is not grounds for an appeal.

Either the reporting party or the responding party may appeal the hearing panel's decision. The written appeal should be submitted to the Title IX Coordinator within five (5) business days following the date of the investigation notification or hearing outcome letter. The non-appealing party will receive notice of the appeal from the Title IX Coordinator and will have five (5) business days to submit a written response to the appeal to the Title IX Coordinator. Where each party appeals, these appeal requests and responses will be exchanged accordingly. In cases where the Title IX Coordinator has a conflict of interest with the appeal, a Deputy Title IX Coordinator will assume responsibility for the appeal.

### Appeal Consideration Options

The Title IX Coordinator will assemble at least three (3) individuals from the pool of Deputy Title IX Coordinators, responsible administrators, investigators or trained panelists to form an appeal panel to review the case and appeal statements, and determine if the grounds for the appeal are substantiated. If the grounds for appeal are not substantiated, the appeal will be denied and both parties will be notified in writing, under the provisions of notification described above. If the appeal is substantiated, the appeal officers, in conjunction with the Title IX Coordinator, will take appropriate action as indicated below.

- **Procedural Error:** If the appeals officers determine that a procedural error occurred that was substantially prejudicial to the outcome of the investigation or hearing panel, they will return the allegation to the responsible administrator/hearing panel with instructions to reconvene to cure the error. In rare cases, where the procedural

error cannot be cured by the responsible administrator/hearing panel (as in cases of bias), the appeals officers may order a new investigation or hearing panel with a new investigation team or panel. The results of a reconvened investigation or hearing panel cannot be appealed. The results of a new investigation or hearing panel can be appealed once, on the applicable grounds for appeals.

- **New Information:** If the appeals officers determine that new information should be considered, it will return the allegation to the original investigators or hearing panel to reconsider the allegation in light of the new information only. The findings of the investigators or hearing panel based on consideration of the new information are not appealable.
- **Disproportionate Sanction(s):** If the appeals officers determine that the sanctions/remedies imposed are substantially disproportionate to the severity of the violation(s), the appeal team may return the allegation to the responsible administrator/ hearing panel with instructions to review the recommended sanctions/remedies.

The appeals officers will render a decision within fourteen (14) calendar days after the receipt of the written appeal. The appeal decision is final.

All parties will be informed of the status of requests for appeal in a timely manner and will be informed of the outcome in the same manner in which the investigation and/or hearing outcome was shared.

Following the appeal process, the Title IX Coordinator will evaluate if there are additional remedies required for the reporting party or the community to eliminate a hostile environment and prevent its recurrence (*see Interim Measures-Section V, D*).

## VII. Statement of the Rights of the Parties

### A. Statement of the Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available).

Accommodations may include:

- Change of an on-campus student's housing to a different on-campus location;

- Assistance from College support staff in completing the relocation;
  - Transportation accommodations;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
  - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
  - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
  - The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a finding by the investigation team;
  - The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
  - The right not to have irrelevant prior sexual history admitted as evidence;
  - The right to regular updates on the status of the investigation and/or resolution;
  - The right to have reports addressed by investigators and responsible administrators who have received at least eight hours of annual sexual misconduct training;
  - The right to preservation of privacy, to the extent possible and permitted by law;
  - The right to meetings and/or interviews that are closed to the public;
  - The right to petition that any College representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
  - The right to bring an advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
  - The right to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
  - The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
  - The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction to occur before the decision is finalized.

**B. Statement of the Responding Party's rights:**

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to College administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding;

- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and responsible administrators who have received at least 8 hours of annual training;
- The right to petition that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- [The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the College is considered final and any changes to the sanction to occur before the decision is finalized.

## **VIII. PRIVACY**

Allegations involving discrimination, harassment, sexual misconduct and/or retaliation are particularly sensitive and demand special attention to issues of privacy. Those responsible for carrying out the responsibilities outlined in this policy will respect the privacy of the individuals involved, to the extent reasonably possible and mandated by law. The parties and witnesses involved in an allegation of discrimination, harassment, sexual misconduct and/or retaliation are encouraged to keep the matter as private as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, including when the College is required to disclose information in response to legal process or when the College's need to protect the safety of others must outweigh privacy concerns. In addition, College personnel responsible for handling or investigating these matters may consult with legal counsel at any point during the process.

## **IX. COORDINATION WITH LOCAL LAW ENFORCEMENT**

In allegations involving potential crimes, including sexual assault, dating or domestic violence or stalking, individuals are encouraged to file a report with the Naperville Police Department.

The College's resolution procedures and the legal system work independently from one another and the College will proceed with its process, regardless of action or inaction by outside authorities. Short delays in the College's pursuit of resolution are permitted to allow law enforcement to complete the evidence collection process without disruption or interference from the College. Decisions made or sanctions/remedies imposed through these grievance/student conduct procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the responding party.

In certain instances, North Central College may need to report conduct to law enforcement authorities even when the reporting party has not decided to do so. Such circumstances include incidents that warrant the undertaking of additional safety and security measures for the protection of the reporting party and the campus community or other situations in which there is clear and imminent danger or when a minor is involved.

## **X. ANONYMOUS REPORTS**

The College will reasonably respond to all allegations of discrimination, harassment, sexual misconduct and/or retaliation. However, due to the inherent difficulty of investigating and resolving allegations from unknown persons, it may be difficult

for the College to resolve an anonymous report. The College may be unable to properly investigate or impose disciplinary action if a reporting party insists that his/her name not be revealed. Community remedies will be provided when possible to address anonymous reports.

#### **XI. MALICIOUS ALLEGATIONS PROHIBITED**

The purpose of this policy is to promote and maintain an environment at North Central College that is free from discrimination, harassment, sexual misconduct and/or retaliation. Any member of the College community who believes that he/she has been subjected to discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) and/or retaliation is encouraged to use the procedures provided in this policy, not only for the benefit and protection of that individual, but ultimately for the entire College community. However, knowingly false allegations of discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) and/or retaliation undermine the purpose and effectiveness of this policy. Accordingly, persons who knowingly make false or malicious allegations of discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) and/or retaliation may be subject to disciplinary action. The failure of an allegation to result in a finding of discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) and/or retaliation is not alone evidence that the allegations were knowingly false.

#### **XII. TRAINING**

North Central College is committed to providing effective educational and training programs to students, faculty and staff as a key component in maintaining an environment free from discrimination, harassment, sexual misconduct and retaliation. This policy will be available via the College's website as well as be included in other sources of media as is deemed appropriate. Educational programs on discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking), retaliation, bystander intervention and other related topics will be provided for all new faculty and staff, including student employees and graduate assistants. Periodic refresher programs will also be provided, as will training to individuals with specific responsibilities as defined within this policy to ensure their ability to carry out those responsibilities effectively.

#### **XIII. RECORD RETENTION**

Records of investigations and hearings are maintained by the Title IX Coordinator/Deputy Coordinator College for a minimum of seven (7) years as indicated below.

**Students:** If the responding party is a student, the records will be maintained for a minimum of seven (7) years past the student's graduation, or, if the student leaves the College before graduation, for a minimum of seven (7) years past the date of the incident and in accordance with the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records.

**Faculty or Staff:** If the responding party is a faculty or staff member, the records will be maintained for a minimum of seven (7) years past the conclusion of the investigation and any hearing.

**Groups/Programs:** If the responding party is a group, the records will be maintained for a minimum of seven (7) years past the conclusion of the investigation and any hearing.

#### **XIV. INFORMATION CONCERNING REGISTERED SEX OFFENDERS**

As required by the federal Campus Sex Crimes Prevention Act, institutions of higher education must issue a statement advising College community members where information concerning registered sex offenders may be obtained. This information can be found through the following web link:

**Illinois Sex Offender Information:** [www.isp.state.il.us/sor/](http://www.isp.state.il.us/sor/)

Persons convicted of certain sex offenses are required by law to register with the State. Information on registered sex offenders is available at the Illinois State Police website and the Illinois Child Murderer and Violent Offender Against Youth Registry Database. The Department of Justice National Sex Offender Public Website is also a source for sex offender

information. For information on registered sex offenders attending or employed at North Central College, contact the local police department.

## RELATED FORMS/INSTRUCTIONS/INFORMING LEGISLATION

While the intent of listing pertinent legislation is to share the wide scope of federal and state mandates that this policy covers, it is not intended to be a complete and all-inclusive listing of all applicable legislation.

**Age Discrimination in Employment Act (ADEA) (1967):** Forbids employment discrimination against anyone at least 40 years of age. The ADEA includes a broad ban against age discrimination and also specifically prohibits discrimination in hiring, promotions, wages, or termination of employment and layoffs, statements or specifications in job notices or advertisements of age preference and limitations, denial of benefits to older employees. Since 1986 it has prohibited mandatory retirement in most sectors, with phased elimination of mandatory retirement for tenured workers, such as college professors, in 1993.

**Americans with Disabilities:** Prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. Requires an employer to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

**Equal Pay Act of 1963 (EPA):** Amends the Fair Labor Standards Act, aimed at abolishing wage disparity based on sex. Prohibits "employer[s] from discriminating on the basis of sex by paying wages to employees at a rate less than the rate paid to employees of the opposite sex for equal work on jobs requiring equal skill, effort, and responsibility, and which are performed under similar working conditions."

**Hate Crimes Law:** Protects against hate crimes (also known as *bias crimes*) motivated by enmity or animus against a protected class. Although state laws vary, current statutes permit federal prosecution of hate crimes committed on the basis of a person's protected characteristics of race, religion, ethnicity, nationality, gender, sexual orientation, gender identity, and disability. The U.S. Department of Justice (DOJ)/FBI, as well as campus security authorities, are required to collect and publish hate crime statistics.

**Illinois 'At Will' Employment:** States that Illinois is an "at-will" employment state. As an "at-will" employment state, it does not have any regulations or laws that prohibit an [employer](#) from firing an employee at any time for whatever reason (except a reason based on race, gender or ethnicity). At the same time, employees are not required to give an employer notice that they are leaving their job. An employee is free to leave the job at any time for any reason.

**Illinois Domestic Violence Laws:** Asserts that any person who physically assaults (which includes but is not limited to: hitting, choking, kicking, shoving, raping, destruction of personal property), threatens, harasses, exploits, neglects, deprives, intimidates dependents, stalks, or interferes with the personal liberty of another family or household member has broken the Illinois Domestic Violence law. Under Illinois law family or household members are defined as family members related by blood; people who are married or used to be married; people who share or used to share a home, apartment, or other common dwelling; people who have or allegedly have a child in common or a blood relationship through a child in common; people who are dating or engaged or used to date, including same sex couples; and people with disabilities and their personal assistants.

**Illinois Preventing Sexual Violence in Higher Education Act:** Requires institutions of higher education in Illinois to provide prevention education to incoming and current students and employees, trauma informed training to those individuals who respond to reports of sexual violence and to those who conduct investigations and hearings. The legislation requires the

designation and training of confidential advisors for victims of sexual violence. Institutions of higher education are also required to form a campus-wide or regional task force with local law enforcement, community advocacy agencies, local state's attorneys, faculty, staff, and students in order to improve policy and coordinated community response.

**Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act:** The Clery Act, named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986, requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education.

**The Rehabilitation Act of 1973:** Prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act. Section 504 has provided opportunities for children and adults with disabilities in education, employment and various other settings. It allows for reasonable accommodations such as special study area and assistance as necessary for each student.

**The Victims' Economic Security and Safety Act (VESSA):** Allows employees who are victims of domestic or sexual violence or who have family or household members who are victims of such violence to take up to twelve (12) weeks of unpaid leave per any twelve (12) month period to seek medical help, legal assistance, counseling, safety planning, and other assistance. The Act also prohibits employers from discriminating against employees who are victims of domestic or sexual violence or who have family or household members who are victims of domestic or sexual violence.

**Title VI of the Civil Rights Act of 1964:** Protects people from discrimination on the basis of race, color, or national origin in any program, or activity receiving Federal financial assistance, where the primary purpose is employment or where the discriminatory practice has an impact on program beneficiaries [students].

**Title VII of the Civil Rights Act of 1964:** Prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin. Title VII also prohibits discrimination against an individual because of their association with another individual of a particular race, color, religion, sex, or national origin.

**Title IX of the U.S. Department of Education Amendments of 1972:** Provides that no person will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (Legal Citation: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R., Part 106 [Title IX]). Includes the guidance issued through the "Dear Colleague" Letter of April 4, 2011, from the U.S. Department of Education, Office of Civil Rights, the "Questions and Answers on Title IX and Sexual Violence" guidance document of April 29, 2014 and the website [www.notalone.gov](http://www.notalone.gov). The College acknowledges its obligations under Title IX and is committed to complying with all Title IX requirements.

**Uniformed Services Employment and Re-employment Rights Act (USERRA):** Clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute by protecting civilian job rights and benefits for veterans, members of reserve components, and even individuals activated by the President of the United States to provide Federal Response for National Emergencies.

**Violence Against Women Reauthorization Act (VAWA):** Addresses the rights of victims of sexual misconduct, stalking and domestic violence by complementing and expanding the scope of Title IX. Includes the Campus Sexual Violence Elimination Act (Campus SaVE). Addresses requirements for procedures, structures and the need for trained officials to investigate, resolve and communicate the outcome of allegations; establishes standards of evidence; provides insight into sanctions and remedies; requires sharing information regarding available support services; requires the establishment of prevention and awareness programs, and outlines specifications regarding institutional reporting and documentation.



**Whistleblower Laws (the Illinois Whistleblower Act):** Protects every citizen when he/she blows the whistle on government corruption. A State agency cannot retaliate through a reprimand, discharge, suspension, demotion or denial of promotion or transfer.

## **HISTORY AND REVISION DATES**

**Origination Date:** June 1, 2006

**Last Amended Date:** September 12, 2016

**Endorsed by Board of Trustees:** May 17, 2014

**Review Frequency:** Annually

**Citation:** This policy borrowed heavily from the 2016 One Policy One Process Model developed by ATIXA, The Association of Title IX Administrators.

Please note that policy revisions may occur throughout the year. Full text of updated College policies, including the Discrimination, Harassment, Sexual Misconduct and Retaliation Policy, can be viewed by visiting the North Central College Student Handbook online at [www.northcentralcollege.edu/handbook](http://www.northcentralcollege.edu/handbook).

Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention, and discuss institutional policies on sexual misconduct as well as the definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. North Central College utilizes the *WeComply* online compliance training modules of *Preventing Discrimination and Harassment*, and *Preventing Sexual Misconduct (Title IX)* modules for all new employees. In compliance with the *Violence Against Women Reauthorization Act of 2013*, higher education institutions are required to provide education to students, faculty and staff on the prevention of domestic violence, dating violence, sexual assault and stalking. North Central College also utilizes an online training program entitled, *Not Anymore* to provide incoming students more information and resources to prevent dating violence, domestic violence, sexual assault and stalking.

Additionally, the College's Green Dot initiative encourages bystander engagement through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of emails, guest speakers and events planned by the Dyson Wellness Center and the Violence Education and Prevention Coordinator.

Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately to one of the campus or community resources.

## **Resources for Victims of Sexual Assault, Domestic Violence, Dating Violence and Stalking**

### **On North Central College Campus:**

**Dyson Wellness Center (Confidential)**

630-637-5550

**Violence Education and Prevention Coordinator (Confidential)**

630-637-5113

Benedetti-Wehrli Stadium, 2<sup>nd</sup> Floor  
455 S. Brainard Street

**Vice President of Student Affairs and Dean of Students**

630-637-5153

**Associate Dean of Students**

630-637-5147

**Associate Dean of Students**

630-637-5152

Old Main, 5<sup>th</sup> Floor, Room #501

30 N. Brainard Street

**Director of Campus Safety**

630-637-5912

**Assistant Director of Campus Safety**

630-637-5910

**Assistant Director of Campus Safety**

630-637-5913

**On-Duty Campus Safety Officer**

630-637-5911

New Hall, Lower Level, Office #047

451 S. Brainard Street

**Director of Ministry and Service**

630-637-5417

Kiekhofer Hall, 1<sup>st</sup> floor, Room 109

329 E. School Street

**Title IX Coordinator**

630-637-5340

Old Main

30 N. Brainard Street

5<sup>th</sup> floor, Suite #530

**Associate Dean of Students and Title IX Deputy Coordinator**

630-637-5152 or 630-637-5147

**Assistant Director of Human Resources and Title IX Deputy Coordinator**

630-637-5718

**Assistant Athletic Director and Title IX Deputy Coordinator**

630-637-5501

**Associate Academic Dean and Title IX Deputy Coordinator**

630-637-5285

**Local law enforcement agencies:**

**Naperville Police Department**

1350 Aurora Avenue

Naperville, IL 60540

Emergency 9-1-1 / Non-Emergency 630-420-6666

**Naperville Park District Police Department**

425 W. Jackson Avenue

Naperville, IL 60540

Emergency 9-1-1

Non-Emergency 630-601-0925

**Community agencies/resources available in Naperville and the surrounding area:**

**Edward Hospital Emergency Department**

630-527-3358

**Edward Hospital**

630-527-3000 (Main)

801 S. Washington Street

Naperville, IL 60540

**Good Samaritan Hospital Emergency Department**

630-275-5900

**Good Samaritan Hospital**

630-275-5900 (Main)

3815 Highland Avenue

Downers Grove, IL 60515

**Family Shelter Service – Healing from Domestic Abuse (Confidential)**

630-469-5650

[www.familyshelterservice.org](http://www.familyshelterservice.org)

**Mutual Ground – Domestic Violence Hotline (Confidential)**

630-897-0080

Sexual Assault Hotline

630-897-8383

[www.mutualground.org](http://www.mutualground.org)

**YWCA – Metropolitan Chicago (Confidential)**

Patterson and McDaniel Family Center

630-971-3927

[www.ywchicago.org](http://www.ywchicago.org)

**Online resources with national and local information and hotlines available:**

Love is Respect

[www.loveisrespect.org](http://www.loveisrespect.org)

Illinois Coalition Against Sexual Assault

<http://www.icasa.org>

Rape, Abuse & Incest National Network

<http://www.rainn.org>

Illinois Coalition Against Domestic Violence

<http://www.ilcadv.org>

National Coalition Against Domestic Violence

<http://www.ncadv.org>

**Student Rights**

North Central College is committed to the safety and well-being of all its community members. The College strives to create an environment that is free of acts of violence, harassment, and infringement of rights of privacy and property. The Student Affairs staff is committed to assisting students, whether an accused student or victim of an alleged incident, in identifying resources that will provide support before, during, and after the student conduct process.

## **Rights of Accused Students**

Students who are charged with violating College policies are entitled to the rights listed below.

1. To have a written statement of the charges.
2. To have a written notice of the date, time and place of the hearing.
3. To have the opportunity to meet with a staff member prior to the hearing to discuss the adjudication process, if requested.
4. To hear and respond to the information that supports the charges against him/her.
5. To provide a written statement and/or verbal information on his/her own behalf.
6. To receive nondiscriminatory treatment without regard to race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or any other category protected by applicable state or federal law.
7. To have case information be held in confidence by student conduct personnel as well as Hearing Panel members (with the exception of College personnel or other parties who have a legitimate need to know).

## **Rights of Victims**

The Student Conduct Process does not replace or relieve any requirement of civil or criminal law. This means that victims who bring complaints to the College may also file criminal or civil complaints. Victims are encouraged to report violations of law to proper authorities on or off campus.

Victims of alleged sexual misconduct (see note below) and/or physical assault violations are also afforded the following procedural rights during the investigation of the alleged incident and in any subsequent official student conduct hearing.

1. To be treated with dignity and respect and in a non-judgmental manner.
2. To assume the role of witness if an alleged incident is referred for adjudication.
3. To be notified of the progress of the case, including initial contact with the alleged assailant and outcomes related to any student conduct proceedings.
4. To have a member of the campus community (faculty, staff, or another student) of their choice accompany them throughout any student conduct hearing.
5. To be informed of counseling services available.
6. To request campus housing relocation, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. These types of requests will be honored whenever feasible.
7. When applicable, not to have their unrelated past sexual history discussed during the hearing.
8. To be informed immediately of the outcome of the hearing.

**Note:** Reports or allegations that fall under the College's Discrimination, Harassment, Sexual Misconduct and Retaliation Policy have specific processes and procedures that may differ from the other procedural standards described in the Student Handbook. To obtain information unique to those cases, please refer to the Discrimination, Harassment, Sexual Misconduct and Retaliation policy located in "The College's Responsibility to Students" section of the Student Handbook.

## **Sanctions**

Consideration of a student's entire disciplinary record at North Central College will be taken into account when designing sanctions. The Administrative Hearing Officer (AHO) or Hearing Panel will reach a decision, and determine sanctions (if appropriate) within two days of the completion of a hearing. If a Panel conducts the hearing, the decision must be made by agreement of no less than three members, and must be submitted in writing to the Office of the Dean of Students.

Upon reaching a decision, the AHO or Panel may assign one or more of the following sanctions, or any other sanction deemed an appropriate response to the violation:

- A. *Counseling:* The student may be required to take part in a mandatory counseling assessment or evaluation either on campus at the Dyson Wellness Center, or off campus. Off-campus counseling or assessment would be at the student's expense.
- B. *Dismissal:* The student is separated involuntarily and permanently from the College and/or the residence halls.
- C. *Educational Project or Campus/Community Service:* The student may, for example, be required to attend an alcohol or conflict resolution education program, write a paper, complete a number of service hours or complete a project in which the student works to benefit the College or community.
- D. *Fine:* A student found in violation of the College's alcohol or drug policies will be assessed a \$100.00 fine, in addition to other possible sanctions, for his or her first violation of the policy. All subsequent violations of the policies will carry with them a \$200.00 fine, per person found in violation, in addition to other possible sanctions. Fines must be paid within one month (31 days) of the date of the decision of the administrative hearing officer or the hearing panel. Fines must be paid in cash or by personal check in the Office of the Dean of Students. Any fine outstanding after one month will be doubled and placed on the student's account. All money collected through fines for alcohol and drug violations will be used for alcohol and drug abuse programming or interventions.
- E. *No Contact or No Trespass:* The student is required to have no contact with another student, or faculty/staff member. With a no trespass restriction, a student may be limited to or from designated portions of the campus.
- F. *Probation:* The student may continue enrollment and/or residence on campus only under conditions established by the AHO or Panel. One condition that may be applied under probation is that the student be partially or completely restricted from representing the College in any capacity. While a student is under probation, any further infraction of College policies will result in stricter sanctioning. This may include suspension or dismissal.
- G. *Reprimand:* The student will receive a formal notice of reprimand for violation of the Statement of Student Conduct or a College Policy. A copy of this notice will be placed in the student's permanent disciplinary record. The notice of reprimand is intended to communicate to a student that further violation of the Statement of Student Conduct or College policies will not be tolerated.
- H. *Restitution:* The student may be required to make financial or other types of restitution when found in violation of a College policy or the Statement of Student Conduct.
- I. *Suspension:* The student is separated involuntarily from the College and/or residence halls for a specified time or until conditions are met. While a student is under suspension, any further infraction of regulations may result in dismissal from the College.

## Interim Sanctions

The Student Conduct processes and sanctions described above are ones that require time to implement and complete. When, in the judgment of the Vice President for Student Affairs and Dean of Students, there is reason to believe that a student poses a threat to harm himself/herself or others, to unreasonably interfere with another's right to study, sleep or work, to cause damage to College property, or to disrupt the stability and continuance of normal College operations, a student may be given a "no contact" restriction with another student, a "no trespass" directive for all or a portion of College property, or may be removed immediately from the residence halls and/or the College (interim suspension). In addition, the Vice President for Student Affairs and Dean of Students, or his/her designee, may reassign a student to alternate housing and/or limit student access to residence halls or campus facilities on an interim basis. These interim sanctions will be imposed pending formal and final resolution of the alleged violation(s) of College policy through the Student Conduct Hearing Process or the Involuntary Withdrawal Process. An interim sanction begins immediately upon notification by the Vice President for Student Affairs and Dean of Students or his/her designee. Every attempt will be made to resolve the matter as soon as possible. Interim sanctions are not subject to appeal prior to the required formal hearing.

## Appeals

Please Note: Appeals for cases adjudicated under the College's Discrimination, Harassment, Sexual Misconduct and Retaliation Policy have specific processes and procedures that may differ from the appeal process for other policies described in the Student Handbook. For these cases, please refer to the Discrimination, Harassment, Sexual Misconduct and Retaliation policy located in "The College's Responsibility to Students" section of the Student Handbook.

A student may appeal a decision made by a Hearing Panel or Administrative Hearing Officer concerning the finding of a violation – or the sanction(s) imposed – within five business days of notification of a decision.

- A. *Submitting an Appeal:* To submit an appeal, the student must deliver a typed explanation of the grounds upon which the appeal is made to the Office of the Dean of Students. This explanation should clearly and completely set forth the grounds for appeal.
- B. *Usual Grounds for Appeal:* Mere dissatisfaction with a decision or sanction is not grounds for appeal. The burden of demonstrating an inequity in the hearing or sanction will lie with the Respondent. Usual grounds for an appeal may include:
  1. That the AHO or the Hearing Panel made a clearly erroneous finding of fact contrary to the substantial weight of the evidence.
  2. That the administrator or Hearing Panel did not correctly interpret a responsibility or policy.
  3. That there was an error in hearing procedure.
  4. That the sanction imposed by the AHO or Hearing Panel was clearly erroneous in light of the facts of the case and the student's disciplinary history at North Central College.
  5. That there is new evidence to the case that was not available at the time of the hearing, including a statement as to why the evidence was not available.
- C. *Appeal Process:*
  1. *Appealing the decision of an Administrative Hearing:* A copy of the appeal, the entire record, and the complete disciplinary file will be reviewed by the Vice President for Student Affairs and Dean of Students, who will render a final decision on the appeal. The Vice President for Student Affairs and Dean of Students may deny an appeal, overturn the decision of an Administrative Hearing Officer, alter sanctions, or order a new hearing to be held.
    - a. If the Vice President for Student Affairs and Dean of Students has been involved in investigating or hearing a case, the appeal will be heard by the Vice President for Business Affairs.
  2. *Appealing the decision of a Hearing Panel:* A copy of the appeal, the entire record, and the complete disciplinary file will be reviewed by the Vice President for Student Affairs and Dean of Students, who will render a final decision on the appeal. The appeal may be denied, a new hearing may be ordered, or the case may be sent back to the original panel. The Vice President for Student Affairs and Dean of Students may not alter sanctions rendered by Hearing Panels.
    - a. If the Vice President for Student Affairs and Dean of Students has been involved in investigating or hearing a case, the appeal will be heard by the Vice President for Business Affairs.
    - b. If a student, after choosing to submit an Early Plea of "in violation." appeals the decision of a Sanction Hearing, the appeal will be heard by the Vice President for Student Affairs and Dean of Students. If the Vice President for Student Affairs and Dean of Students has been involved in investigating or hearing a case, the appeal will be heard by the Vice President for Business Affairs.

3. If a new hearing is called for on the basis of the appeal, the Office of the Dean of Students will convene a new Panel or assign a new Administrative Hearing Officer according to the guidelines set forth by the College. The findings and decisions made by the second hearing will be final, and no further appeal will be granted.

## **Disciplinary Action for Off-Campus Behavior**

As part of the North Central College community, students represent the College at all times, whether on or off campus. It is the hope of the College that each member of the student community will serve as an ambassador of the College when away from the College campus, showing a regard for others that goes beyond the minimum requirements of the law. As such, the College may choose to address student misconduct that occurs off-campus. A student may be charged with violating the “Conduct Unbecoming” policy, and/or other college policies in situations that include, but are not limited to:

- A. When the alleged off-campus misconduct occurs while a student is officially representing the College.
- B. When the alleged off-campus misconduct is criminal in nature.
- C. When the alleged off-campus misconduct causes a significant neighbor or community concern.

## **Cooperation with Local Law Enforcement**

North Central College’s top priority is to protect the health and safety of the College community. Additionally, the College has an obligation to abide by the laws of the Naperville community of which it is a part, as well as the laws of the State and Federal governments. While activities covered by the laws of the community and those covered by the College’s policies may overlap, the community’s laws and the College’s policies operate independently, and do not substitute for each other.

- A. Membership in the College community does not exempt anyone from Local, State or Federal laws, but rather imposes the additional obligation to abide by all of the College’s regulations.
- B. The College may pursue enforcement of its own rules whether or not legal proceedings are underway or are prospect, and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether College policies have been broken.
- C. The College will make no attempt to shield members in the College community from the law, nor would it intervene in legal proceedings on behalf of a member of the community.

## **Legal Proceedings Outside of the College**

Students should be aware that while student conduct hearings, both administrative and panel, are confidential, the records are subject to subpoena in the course of investigation and prosecution of a criminal or civil matter. If a student believes he/she may be liable for criminal prosecution and is asked to appear before an on-campus panel or participate in an administrative hearing, legal counsel is strongly advised before participating. Panels and administrative hearings will proceed as scheduled in these situations.

## **Involuntary Withdrawal**

North Central College puts the utmost importance on student welfare and community safety. A student may be subject to involuntary withdrawal from the College, or from the residence halls, if the student engages (or threatens to engage) in behavior which poses a danger of causing physical harm to the self or others, or if the student engages (or threatens to engage) in behavior which would cause property damage, impedes the lawful activities of others, or disrupts the community.

- A. *Withdrawal Process:* Students subject to involuntary withdrawal will have an informal hearing with the Vice President for Student Affairs and Dean of Students. The student may choose to be accompanied by a family member, a mental health professional, another student, a staff member, or a faculty member. The informal

hearing may be conducted in the absence of a student who fails to appear. A written decision will be communicated to the student within five days from the completion of the hearing. The decision will be final and not subject to appeal. When a student is involuntarily withdrawn, the withdrawal remains in effect until the student can demonstrate:

1. The behavior or circumstances which caused the withdrawal are either effectively managed or are no longer in existence; and,
2. The treatment and/or effective management of the problem can be verified by a mental health professional; and,
3. Verification has been received and accepted by the Vice President for Student Affairs and Dean of Students.

B. *Interim Sanctions:* Students also may be subject to interim sanctions prior to the informal hearing and decision on involuntary withdrawal. These interim sanctions may be imposed pending the formal and final resolution of the matter. Interim sanctions begin immediately upon written notice (or upon verbal notice with written confirmation). Interim sanctions will be determined by the Vice President for Student Affairs and Dean of Students, or his/her designee, and are not subject to appeal prior to the hearing.

## Withdrawing from the College during Disciplinary Proceedings

Students cannot withdraw from school in the hopes of avoiding disciplinary proceedings. Violations of the Statement of Student Conduct and College Policies that take place while a student is enrolled may be adjudicated and sanctions applied regardless of the withdrawal status of the individual. If the case is not adjudicated prior to a student withdrawing from the College, the student may not enroll again at North Central College until the case has been adjudicated, and the student may be issued an order of “No Trespass” that would prohibit the student from being present on any college property.

## Crime Statistics

Campus crime, arrest, and referral statistics include those reported to North Central College Campus Safety, designated campus officials, and local law enforcement agencies. The College believes that an informed public is a safety-conscious public. The following reported statistics, provided in compliance with the *Crime Awareness and Campus Security Act of 1990*, and covering the period January 1–December 31 for each year, are for your information. Please note that reported crimes may involve individuals not associated with the College.

Each year, this report is e-mailed to all faculty, staff, and students and posted on the College’s website. Prospective students and employees are also notified that the report is available. A statement of the report’s availability is listed in the applications for enrollment and employment. Copies of the report may also be obtained in person at the Department of Campus Safety.

*\*Please note the following information regarding Clery statistical data:*

- *Data reported in the category of “On Campus Student Housing Facility” must also be reported under the “On Campus Property” classification since a Clery reportable crime within a campus residence hall is also considered to be “On Campus Property”.*
- *In accordance with the VAWA Amendments to Clery and beginning in 2014, the Clery report must specify data related to the forcible sex offense crimes of rape and forcible fondling and non-forcible sex offense crimes of incest and statutory rape.*
- *Beginning in 2014, all crimes reported to the police and determined to be unfounded by local law enforcement must be reported within the Clery report. In 2014, 2015, 2016 there were no incidents classified as unfounded by Naperville Police Department.*



Clery Act Crimes	2014					2015					2016				
	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault / Battery	0	0	1	0	0	1	1	3	0	0	0	0	2	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	2	0	1	1	0	1	0	0	1	0	2	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Forcible – Rape <sup>†</sup>	3	1	0	0	0	2	2	0	0	0	4	2	0	0	0
Sex Offense – Forcible Fondling <sup>†</sup>	2	2	1	0	0	3	3	0	0	0	1	1	0	0	0
Sex Offense Non-Forcible – Incest <sup>†</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Non-Forcible – Statutory Rape <sup>†</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>															
Illegal Weapons Possession	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Drug Law Violations	29	16	18	0	0	24	15	6	6	0	30	19	14	0	0
Liquor Law Violations	28	18	16	0	0	38	35	4	2	0	18	4	1	0	0
<b>Disciplinary Action</b>															
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Drug Law Violations	30	20	0	3	0	49	32	3	0	0	43	40	1	0	0
Liquor Law Violations	156	154	0	2	0	112	111	0	0	0	149	146	0	0	0

<sup>†</sup>In accordance with the VAWA Amendments to Clery and beginning in 2014, the Clery report must specify data related to the forcible sex offense crimes of rape and forcible fondling and non-forcible sex offense crimes of incest and statutory rape.

\*Beginning in 2014, all crimes reported to the police and determined to be unfounded by local law enforcement must be reported within the Clery report.

Hate Crimes	2014					2015					2016				
	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault / Battery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Violence Against Women Re-Authorization Act Amendments to Clery	2014					2015					2016				
	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*	On Campus Property	On Campus Student Housing Facilities	Public Property	Non-Campus Property	Reports Designated Unfounded by Police*
Domestic Violence	2	1	0	0	0	3	3	2	0	0	1	1	2	0	0
Dating Violence	0	0	0	0	0	3	3	0	0	0	4	3	0	0	0
Stalking	3	2	0	0	0	2	2	0	0	0	3	0	0	0	0

Note: Crimes reported to the police, even if determined to be unfounded by local law enforcement, are reported within the Clery report, in accordance with the VAWA Amendments to Clery and beginning in 2014.

# Behind the Statistics

## Definition of Crimes

Each of the crimes for which we report statistics are defined below. The definitions are taken from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting handbook as required by Clery Act regulations.

***Aggravated Assault*** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

***Arson*** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

***Burglary*** – The unlawful entry of a structure to commit a felony or a theft.

***Criminal Homicide-Murder and Non-Negligent Manslaughter*** – The willful (non-negligent) killing of one human being by another.

***Criminal Homicide-Negligent Manslaughter*** – The killing of another person through gross negligence.

***Dating Violence*** – Any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

***Domestic Violence*** – Any felony or misdemeanor crime of violence committed by:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Motor Vehicle Theft*** – The theft or attempted theft of a motor vehicle.

***Robbery*** – Taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

***Stalking*** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

***Weapon Law Violations*** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

***Drug Abuse Violations*** – The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## Sex Offenses

For sex offenses only, definitions from the FBI's National Incident-Based Reporting System (NIBRS) Edition of the Uniform Crime Reporting (UCR) are used.

### Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

### Sex Offenses-Forcible

**A. Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. *(The new FBI definition of Rape went into effect January 1, 2013.)*

Under the new rape definition, the FBI UCR Program will aggregate three sex offenses in the NIBRS into Rape in Summary for publication in *Crime in the United States*. The definitions of the offenses are:

- **Rape (except for Statutory Rape)** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Sodomy** – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**B. Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### Sex Offenses-Non-forcible

**A. Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**B. Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

*Note: The age of consent in Illinois is 17 years of age.*

## Hate Crimes

For hate crimes, definitions from the FBI's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection are used. A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin.

*Note: Even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.*

## Required Reporting Locations

North Central College's required crime statistics reporting areas are defined as the following:

- **On Campus Property** includes violations of law that occurred on campus property both within and outside of the residence halls.
- **On Campus Student Housing Facilities** includes violations of law that occurred in the residence halls within the same reasonably contiguous geographic area of the main campus.  
*Note: Statistical data reported in this category is a subset to "On Campus Property" classification (i.e. - a Clery reportable crime that occurs within a campus residence hall, will be counted once in "On Campus Property" and again in "On Campus Student Housing Facility").*
- **Public Property** includes violations of law that occurred on public property that is within the campus, or immediately adjacent to and accessible from College property (i.e. sidewalks and streets)
- **Non-Campus Property** includes violations of law that occurred at college owned, leased or controlled locations that are not within the same reasonably contiguous geographic area of main campus, including the College's Dixon, IL property and student apartments at Tailor Lofts and East-West University in Chicago, IL.

**Please note: Statistics for otherwise reportable crimes that do not occur within Clery Act-specified geography are not included in these statistics even if North Central College students or employees are involved.**

# 2016 Campus Fire Report

## Definitions that apply to this section:

- **Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury:** Any instance in which a person is injured as a result of a fire (including an injury sustained from a natural or accidental cause), while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.
- **Fire-related death:** Any instance in which a person
  - Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
  - Dies within one year of injuries sustained as a result of the fire.
- **Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.
- **Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

## In Case of a Fire on Campus

- Upon discovering fire, smoke or an explosion in the building, stay calm and activate the nearest fire alarm pull station.
- Call Campus Safety at extension 5911 and be prepared to give information on location, size and cause of the fire, as well as any injuries.
- Follow posted room/building evacuation routes and account for all occupants of the room. Do not use elevators, as electrical power may be cut off.
- If trapped in a room, retreat and close as many doors as possible between you and the fire. Place cloth material around and under the door to stop smoke from coming in. Signal from windows and use phones/cell phones to advise Campus Safety of your location.
- Provide assistance to individuals with disabilities in relocating to specified refuge areas and notify Campus Safety at extension 5911 of these individuals and their location.
- If forced to travel through the smoke, stay low and breathe shallowly using a shirt or jacket as a filter.
- Before opening any door, check first to see if it is hot to the touch. If the door feels hot, do not open it.
- Never re-enter the building once you have evacuated. Re-enter only when instructed to do so by fire, police or Campus Safety personnel.

Whenever a fire alarm is sounded, all persons must evacuate the building in a safe and orderly manner through the nearest fire exit to an open area away from the building. The Residence Life staff in conjunction, with Campus Safety, will oversee the evacuation of the residence hall areas. Please do not panic. Never disregard a fire alarm. Obstruction and/or disregarding the instructions of firefighting personnel, Campus Safety, police or Residence Life staff may result in disciplinary action and possibly

arrest. Campus Safety along with the Naperville Fire Department, will determine when it is safe to re-enter the building. If a false alarm is witnessed, this should be reported to Campus Safety.

### **In Case of a Fire Inside of Your Residence Hall Room:**

If you cannot easily extinguish the fire, **GET OUT**, take your room key, close the door and safely evacuate the area.

- Activate fire alarms and alert others.
- Walk - do not run to the nearest stairwell exit.
- If the room or hallway is smoky, get on your hands and knees (or stomach) and crawl to the nearest exit.
- **GO TO A SAFE LOCATION AND CALL 911.** Be prepared to tell the dispatcher your exact location and what is on fire.

### **In Case of a Fire Outside of Your Room**

- Feel the door and doorknob. If it is hot, **DO NOT** open the door.
- **CALL 911.** Be prepared to tell the dispatcher your exact location, and what is on fire.
- If possible, wedge **WET** cloth materials along the bottom of the door to help keep out smoke.
- Check to see if there is smoke outside the window. If there is no smoke, open the window and hang light colored material outside and **SCREAM, "FIRE!"**
- If the room becomes smoky, tie a folded cloth (wet if possible) over your nose and mouth and stay low.
- Try to make yourself visible to rescue personnel through the window or balcony.
- Do not jump from upper story windows.
- If the door is not hot, stay behind the door and open it cautiously. Be ready to close the door quickly if fire is close by.
- If it is safe to proceed into the hallway, walk; do not run, to the nearest stairwell. Take your room key with you. Activate the fire alarms and alert others.
- If smoke is present in the hallway, keep low.
- If you are below ground, walk up the stairs only if downward movement is not safe.

### **Emergency Drills, Testing & Evacuation Procedures**

The College's Assistant Director of Risk Management, in conjunction with the Department of Campus Safety, organizes, plans and executes emergency drills, alarm testing, and evacuation plans several times throughout the year. Among the types of emergency exercises on campus are fire and tornado drills. Fire drills will be conducted regularly during the academic year. Residence halls have a fire drill twice per year, and academic buildings are done annually. Annual emergency response charts and cards are published and posted in office suites, academic rooms and on the door of all residence hall rooms. All emergency response and evacuation procedures are publicized through the College's email system, and monitored during the testing by Risk Management, Campus Safety and numerous building captains who oversee the documentation (sign-in sheets of participants), monitor the effectiveness of the drills, and provide feedback for improvement through organized meetings on each drill. When applicable, the Naperville Fire Department is involved with the testing of alarms and fire drills to ensure the equipment is functioning properly and the evacuations proceed in an effective and safe manner. The Assistant Director of Risk Management monitors emergency drills, maintains institutional records, oversees compliance and evaluation efforts as they relate to emergency management, as well as coordinating the repairs and maintenance of emergency equipment. Please note: Persons who tamper with firefighting equipment (including signs), sound false alarms, fail to evacuate during a fire alarm, remove batteries from smoke detectors and/or inhibit the work of firefighters in any way are subject to disciplinary action.

### **Fires, Fire Alarms and Fire Equipment**

In case of fire, immediately sound the fire alarm for the building, evacuate to a safe location, and call 911.

- A. Residence Halls: If you are in a Residence Hall, please notify a Residence Life staff member immediately.
- B. Campus Buildings: If you are in any other building on campus, please notify the Department of

## Campus Safety.

C. **Evacuation:** When a fire alarm is sounded, building occupants must evacuate the building immediately. Failure to evacuate a building during an alarm is a serious offence and may result in fines and/or referral to the Student Conduct Process.

D. **Tampering:** Tampering with fire equipment or sounding a false alarm is a serious offense, and may result in criminal prosecution, costly fines, and referral to the College's Student Conduct Process.

## Fire Safety

When a fire alarm sounds, every student, employee, and visitor must promptly and carefully evacuate the building. In preparation for a possible fire, it is a good idea to locate at least two exit routes from your room/floor. If a fire begins in the room you are in, leave the room and close the door behind you to keep smoke and flames out of the corridor. Locate the closest pull station and sound the alarm. Exit the building via the closest exit. If the fire alarm sounds:

1. If the door to the room is closed, first feel the door and door knob with the palm of your hand. If either is hot, leave the door shut. If they are not hot, open the door slowly.
2. Check the hall. If you can leave safely, shut the door behind you and exit the building via the closest exit.
3. If the nearest exit or stairway is blocked by smoke or fire, use an alternate exit if clear.

If you cannot find a safe exit, return to your room, close the door, and let someone know that you are in your room (call Campus Safety at ext. 5911 and hang something out the window).

Fireworks, flammable liquids, explosives, candles, incense, incense burners, halogen lamps, or bomb-making (or similar) materials are not permitted on campus-owned or leased properties.

To comply with fire codes, no interior hallway doors may be propped open. Sprinkler heads need to be kept free from obstruction so that they can operate properly. Items may not be stored within 18 inches of any sprinkler head. Hanging anything from a sprinkler head is prohibited.

## Fire Safety Systems

The College reviews campus buildings annually for any potential improvements to fire safety systems. At the time of this report's publication, there are no planned fire safety system improvements.



## Fire Incidents by Type

Location	Date	Incident Number	Type of Incident	Reason For Activation	Fire Report Number	Number of Injuries or Deaths	Property Loss Value
Kimmel Hall	1/5/2016	20150462	Fire Alarm	Burnt Food	16-173	0	\$0
Oliver Hall	1/7/2016	20150470	Fire Alarm	Equipment Malfunction	16-220	0	\$0
New Hall	1/11/2016	20150492	Fire Alarm	Steam from Cooking	16-0413	0	\$0
Patterson Hall	1/17/2016	20150525	Fire Alarm	Burnt Food	16-637	0	\$0
Seybert Hall	1/19/2016	20150546	Fire Alarm	Burnt Food	16-729	0	\$0
Carnegie Hall	2/8/2016	20150644	Fire Alarm	Accidental	16-1413	0	\$0
Schneller Hall	2/9/2016	20150652	Fire Alarm	Unknown Source	16-1442	0	\$0
Res Hall/Rec Center	2/15/2016	20150692	Fire Alarm	Burnt Food	16-1668	0	\$0
Schneller Hall	2/25/2016	20150744	Fire Alarm	Unknown Source	16-2015	0	\$0
Schneller Hall	2/25/2016	20150748	Fire Alarm	Unknown Source	16-2041	0	\$0
Schneller Hall	2/26/2016	20150746	Fire Alarm	Equipment Malfunction	16-2045	0	\$0
Geiger Hall	2/28/2016	20150766	Fire Alarm	Alarm turned off	No NFD #*	0	\$0
Geiger Hall	3/9/2016	20150815	Fire Alarm	Equipment Malfunction	16-2456	0	\$0
Seager Hall	4/4/2016	20150881	Fire Alarm	Burnt Food	16-3380	0	\$0
Patterson Hall	4/22/2016	20151032	Fire Alarm	Burnt Food	16-3986	0	\$0
Schneller Hall	4/23/2016	20151033	Fire Alarm	Burnt Food	16-4045	0	\$0
Geiger Hall	5/10/2016	20151160	Fire Alarm	Unknown Source	16-4652	0	\$0
Patterson Hall	5/12/2016	20151185	Fire Alarm	Burnt Food	16-4747	0	\$0
Schneller Hall	5/17/2016	20151211	Fire Alarm	Unknown Source	16-4916	0	\$0
Rall Hall	6/11/2016	20151329	Fire Alarm	Accidental	16-5892	0	\$0
Business Operations	6/14/2016	20151332	Fire Alarm	Accidental	16-6018	0	\$0
Schneller Hall	7/20/2016	20151395	Fire Alarm	Steam from shower	16-7400	0	\$0
Schneller Hall	7/21/2016	20151399	Fire Alarm	Equipment Malfunction	16-7406	0	\$0
Patterson Hall	7/24/2016	20151402	Fire Alarm	Equipment Malfunction	16-7546	0	\$0
Patterson Hall	7/24/2016	20151403	Fire Alarm	Equipment Malfunction	16-7555	0	\$0
Patterson Hall	7/24/2016	20151404	Fire Alarm	Equipment Malfunction	16-7573	0	\$0
Kaufman Dining Hall	7/24/2016	20151405	Fire Alarm	Steam from cleaning	16-7573	0	\$0
Meiley Swallow Hall	7/24/2016	20151406	Fire Alarm	Steam from cleaning	16-7577	0	\$0
Schneller Hall	8/2/2016	20151423	Fire Alarm	Steam from Shower	16-7812	0	\$0
Naper Place Apts	8/7/2016	20151430	Fire Alarm	Equipment Malfunction	16-8137	0	\$0
Naper Place Apts	8/8/2016	20151454	Fire Alarm	Unknown Source	16-8566	0	\$0
Schneller Hall	8/27/2016	20151495	Fire Alarm	Burnt Food	16-8808	0	\$0
Naper Place Apts	8/27/2016	20151496	Fire Alarm	Water Leak	No NFD #*	0	\$0
Schneller Hall	8/28/2016	20151497	Fire Alarm	Steam	16-8937	0	\$0
Schneller Hall	8/29/2016	20151502	Fire Alarm	Steam from Shower	16-9868	0	\$0
Seybert Hall	8/30/2016	20151509	Fire Alarm	Fire test	No NFD #*	0	\$0
Ward Hall	9/5/2016	20160007	Fire Alarm	Burnt Food	83286	0	\$0
Res Hall/Rec Center	9/7/2016	20160016	Fire Alarm	Alarm Testing	No NFD #*	0	\$0
Seager Hall	9/11/2016	20160028	Fire Alarm	Unknown Source	16-9423	0	\$0
Seager Hall	9/12/2016	20160032	Fire Alarm	Overloaded Circuit	16-9477	0	\$0
Ward Hall	9/13/2016	20160039	Fire Alarm	Hair Spray	16-9518	0	\$0
Ward Hall	9/15/2016	20160049	Fire Alarm	Steam from tea kettle	16-9582	0	\$0
New Hall	9/22/2016	20160098	Fire Alarm	Unknown Source	16-9885	0	\$0
New Hall	9/23/2016	20160110	Fire Alarm	Unknown Source	16-9932	0	\$0
409 Chicago Ave	10/8/2016	20160214	Fire Alarm	Steam from shower	16-10500	0	\$0
Kimmel Hall	10/16/2016	20160282	Fire Alarm	Burnt Food	16-10809	0	\$0
Kaufman Dining Hall	10/31/2016	20160398	Fire Alarm	Equipment Malfunction	16-11388	0	\$0
Seager Hall	10/27/2016	20160400	Fire Alarm	Unknown Source	No NFD #*	0	\$0
Naper Place Apts	11/15/2016	20160532	Fire Alarm	Unknown Source	16-11974	0	\$0
New Hall	11/16/2016	20160554	Fire/ Fire Alarm	Burning Candle	16-12015	0	\$2,376
Schneller Hall	12/8/2016	20160649	Fire Alarm	Burnt Food	16-12926	0	\$0

\*Information unavailable from the Naperville Fire Department at the time of publication of this document.

# Fire Safety Systems

Facility	Fire Alarm Monitoring Done Off-Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Heat Sensors	Fire Extinguisher Devices	Fire Doors	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Each Calendar Year
48 E. Jefferson	YES	NO	NO	YES	YES	YES	NO	YES	0
48 E. Jefferson	YES	NO	YES	YES	YES	YES	NO	YES	0
100 E. Jefferson	YES	NO	YES	YES	YES	YES	YES	YES	0
A.A. Smith House, 28 S. Loomis St.	YES	NO	YES	YES	NO	YES	NO	YES	0
Benedetti-Wehrli Stadium, 455 S. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Blue House, 224 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	NO	YES	0
116 S. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	0
999 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	0
Carnegie Hall, 10 N. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Wentz/Fine Art Center, 171 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	1
Geiger Hall, 221 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	2
Goldspohn Hall, 31. N. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Kaufman Dining Hall, 221 S. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Kiehofer Hall, 329 E. School St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Kimmel Hall, 224 N. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	2

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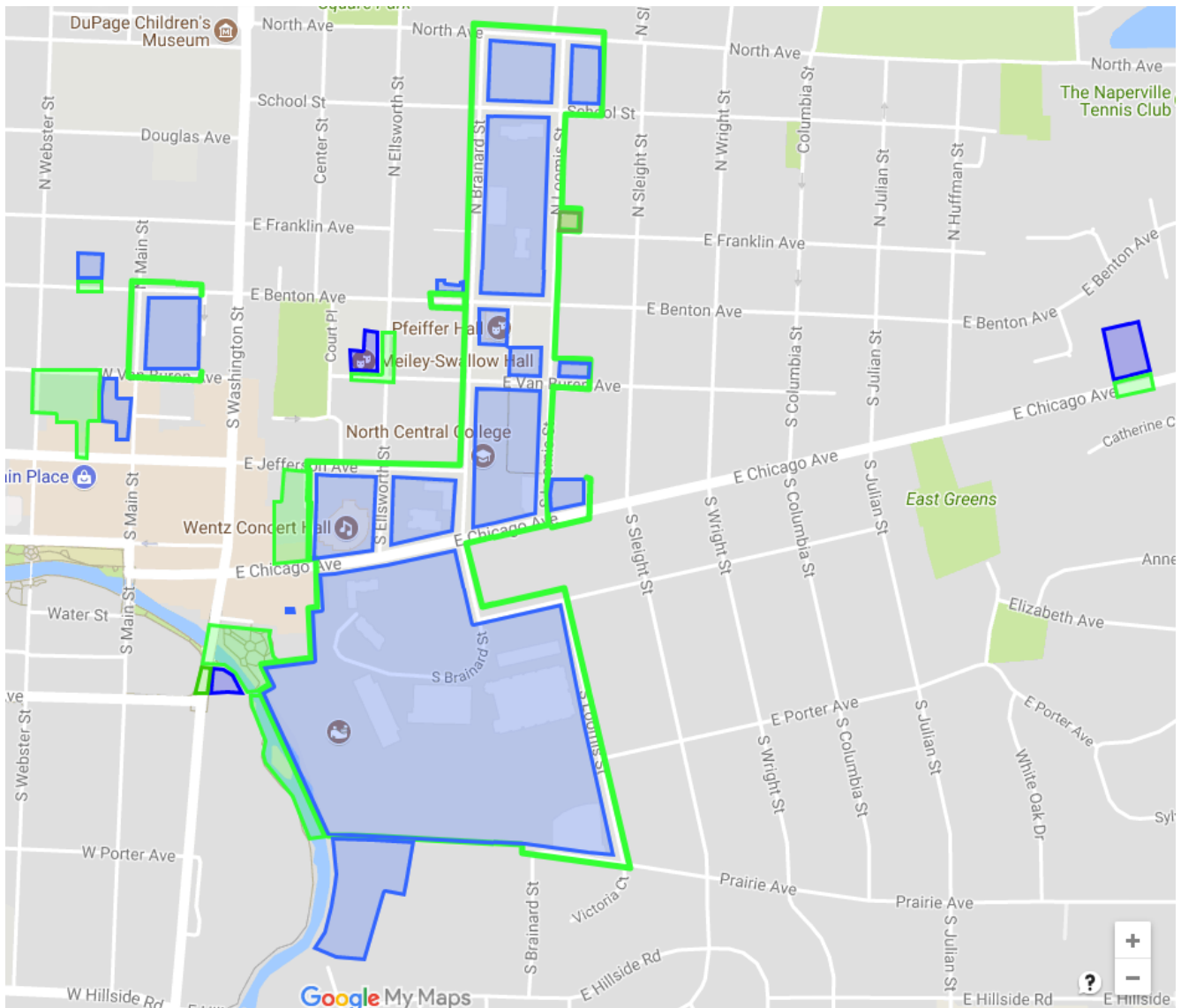
Facility	Fire Alarm Monitoring Done Off-Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Heat Sensors	Fire Extinguisher Devices	Fire Doors	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Each Calendar Year
School of Business and Entrepreneurship, 40 N. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Larrance Academic Center, 309 E. School St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Meiley-Swallow Hall, 31 S. Ellsworth St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Merner Field House, 450 S. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	2
Naper Place Apartments, 119 S. Main St.	YES	NO	YES	YES	YES	YES	YES	YES	2
New Hall, 451 S. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Wentz Science Center, 131 S. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Oesterle Library, 320 E. School Street	YES	YES	NO	YES	YES	YES	YES	YES	1
Old Main, 30 N. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Patterson Hall, 180 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	2
Peter & Paul Hall, 5 N. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	2
Pfeiffer Hall, 310 E. Benton Ave.	YES	YES	NO	YES	YES	YES	NO	YES	1
President's House, 409 E. Chicago Ave.	YES	NO	YES	YES	NO	YES	NO	YES	0

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Facility	Fire Alarm Monitoring Done Off-Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Heat Sensors	Fire Extinguisher Devices	Fire Doors	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Each Calendar Year
Rall House, 329 S. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	0
Rall Hall, 211 S. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	2
Res/Rec Center, 440 S. Brainard St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Rolland Center, 29 N. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	1
Seager Hall, 311 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	2
Seybert Hall, 208 N. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Schneller Hall, 147 S. Loomis St.	YES	NO	YES	YES	YES	YES	YES	YES	2
Ward Hall, 192 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	YES	YES	2
White Activities Center, 325 E. Benton Ave.	YES	NO	YES	YES	YES	YES	YES	YES	1
225 N. Loomis St., White House	YES	NO	YES	YES	YES	YES	NO	YES	0
Oliver Hall, 232 E. Chicago Ave.	YES	NO	YES	YES	YES	YES	NO	YES	1
Zimmerman Stadium, 467 S. Brainard St.	YES	NO	YES	YES	YES	YES	NO	YES	1

# Reference Map

This map provides a basic overview of North Central College's main campus. All items highlighted in blue are considered "On Campus Property." Items in green are considered "Campus Public Property." In most cases these locations consist of public parking facilities and the sidewalk/street/sidewalk adjacent to and accessible from "On Campus Property."



For the interactive version please go to: <http://goo.gl/maps/hbjm>