



Responsible College Official: Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator

Responsible Offices: Office of Academic Affairs; Office of Student Affairs

Policy Implementation Date: August 19, 2019

Discrimination, Harassment, Sexual Misconduct and Retaliation

College Policy on Nondiscrimination

North Central College (“College”) is committed to maintaining a positive learning, working, social, and residential environment. The College does not discriminate or allow discrimination or harassment on the basis of race, religion, color, sex, pregnancy, political affiliation, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability (including perceived disability), age, marital status, sexual orientation, gender identity, gender expression, veteran or military status, unfavorable military discharge (except dishonorable discharge) predisposing genetic characteristics, order of protection, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any resolution process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies in both employment and access to educational opportunities.

In pursuit of these goals, and to ensure compliance with federal and state civil rights laws and regulations, the College will not tolerate acts of discrimination, harassment, sexual misconduct and/or retaliation against 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. The College adheres to and supports the principles of academic freedom, and each member of the North Central College community also shares 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.

All employees are considered to be “Responsible Employees” with the authority and responsibility to report disclosures or observations of sexual misconduct to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.¹ Employees who are exempted from this reporting requirement are professional or pastoral counselors who provide work-related mental-health counseling, campus advocates who provide confidential victim assistance, medical staff, and employees who are otherwise prohibited by law from disclosing information received in the course of providing professional care and treatment.

Failure of a non-confidential employee to report in a timely manner is a violation of College policy and the employee can be subject to disciplinary action.

The formal 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

¹ All references to titles of employees include anyone to whom that individual designates the role or function (i.e.:

“or designee”)

report of discrimination, harassment, sexual misconduct and/or retaliation under this and related policies regarding Consensual Relationships, Service and Emotional Support Animals, and Pregnant and Parenting Students.

Title IX/504 Coordinator

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator has the 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 discrimination, harassment, sexual misconduct and/or retaliation prohibited under this policy.

Dr. Rebecca Gordon

Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator

524 Old Main

30 N. Brainard

(630) 637-5340

rgordon@noctrl.edu

External Inquiries may also be made to:

Office for Civil Rights (OCR); Chicago Office

U.S. Department of Education

Citigroup Center

500 W. Madison Street,

Suite 1475

Chicago, IL 60661-4544

Telephone: (312) 730-1560

Fax: (312) 730-1576

Email: OCR.Chicago@ed.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/ihrc/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.

Reason for Policy/Purpose

This policy is in place 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.

Through this policy, North Central College (1) articulates the College's commitment to the values of fairness, equity, and equal opportunity; (2) describes categories of conduct that may constitute discrimination, harassment, sexual misconduct or retaliation; (3) explicitly prohibits discrimination, harassment, sexual misconduct and retaliation; (4) establishes procedures to follow when a member of the College community believes that they have been subject to discrimination, harassment, sexual misconduct or retaliation; (5) provides a pathway to share concerns regarding the College's policies, procedures and/or practices in the event that they cause a discriminatory impact.

Policy Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment advancement. Sometimes, discrimination takes the form of harassment or, in the case of sex-based discrimination, encompasses sexual violence, stalking, sexual exploitation, or intimate partner violence. When violation of these anti-discrimination policies is alleged, the allegations are subject to resolution using College's resolution process as detailed below.

When the responding party is a member of the College's community, the resolution process is applicable regardless of the status of the reporting party, who may or may not be a member of the College's community. This community includes, but is not limited to, students,² student organizations, faculty, administrators, staff, guests, visitors, invitees, campers and third party vendors/contractors. The procedures below may be applied to incidents, to patterns, and/or to the climate, all of which may be addressed and investigated in accordance with this policy.

Jurisdiction of the College

This policy applies to conduct that takes place on the campus or on property owned or controlled by the College and at College-sponsored events. It may also apply to off-campus and to online conduct when the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator determines that the conduct affects a substantial College interest. Regardless of where the conduct occurred, the Institution will address all allegations to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus program or activity. A substantial Institution interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- 2) Any situation in which it appears that the responding party may present a danger or threat to the health or safety of self or others;

² For the purpose of this policy, the College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and/or who maintains an ongoing relationship with the College.

- 3) Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- 4) Any situation that is detrimental to the educational interests of the College.

If the responding party is unknown or is not a member of the College community, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will assist the reporting party in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. In addition, the College may take other actions as appropriate to protect the reporting party against such third parties, such as barring the latter from Institution property and/or events. All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers.

When the responding party is enrolled in or works at another Institution, Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can assist the reporting party in liaising with the appropriate individual for that Institution, as it may be possible to allege violations through that Institution's policies.

Similarly, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may be able to advocate for a student or employee reporting party who experiences discrimination in an externship, study abroad program, or other environment external to the Institution where sexual harassment policies and procedures of the facilitating organization may give recourse to the reporting party. Further, even when the responding party is a not a member of the Institution's community, remedies and resources can be accessed by contacting the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

Time Limits on Reporting

There is no time limitation on reporting allegations to the College. However, if the responding party is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited. Acting on allegations significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, who may document allegations for future reference, offer resources and/or remedies, and/or engage in informal or formal action, as appropriate. When a significant time delay impacts the reporting of alleged misconduct, the College will apply the policy in place at the time of the alleged misconduct, and the procedures in place at the time the misconduct is reported.

Assistant Vice President for Equity, Diversity and Inclusion

The Assistant Vice President for Equity, Diversity and Inclusion serves as the Title IX/504 Coordinator and oversees student disability compliance and the Institution's policy on equal opportunity, harassment, and nondiscrimination. The Assistant Vice President for Equity, Diversity and Inclusion has the primary responsibility for coordinating Institution's efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Assistant Vice President for Equity, Diversity and Inclusion manages the Title IX Compliance

Committee and investigative teams, and acts with independence and authority free from bias and conflicts of interest. The Assistant Vice President for Equity, Diversity and Inclusion or designee oversees

all resolutions under this policy and acts to ensure that all Institution representatives act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias

Contacts for this Policy

If you have questions about this Policy, you may contact the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, Rebecca Gordon, at (630) 637-5340 or rgordon@noctrl.edu.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Illinois regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. The College has adopted the following definition of Sexual Harassment in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual Harassment is:

- unwelcome,
- offensive,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

The Reporting Standard

Anyone experiencing Sexual Harassment in any of the College's programs or by a member of the College community is encouraged to report it immediately to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator or a deputy Title IX Coordinator. Remedies, interim measures, education, and/or training may be provided in response. Discipline is not typically imposed for Sexual Harassment as defined in this section unless it meets the disciplinary standard below by creating a hostile environment.

The Disciplinary Standard

Sexual Harassment may be disciplined when it creates a hostile environment, takes the form of *quid pro quo* harassment, and/or is retaliatory harassment.

A hostile environment is created when Sexual Harassment is:

- Severe, and/or
- persistent and/or
- pervasive **and**
- objectively offensive, such that it:
 - Unreasonably interferes with, denies, or limits the ability to participate in or benefit from the College's educational, employment, social, and/or residential programs.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another as would be outlined in the Consensual

Relationships policy.

Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of the policies listed below may have parallels in criminal law, the College has defined categories of sexual misconduct for which disciplinary action under this policy may be imposed. Sexual misconduct is comprised of non-consensual sexual intercourse, non-consensual sexual touching, intimate partner violence (i.e. dating and domestic violence), stalking, and sexual exploitation.

Generally speaking, the College considers non-consensual sexual intercourse policy violations to be the most serious type of sexual misconduct, 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 sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact, and/or stalking based on the facts and circumstances of the particular allegation. Definitions as determined by the State of Illinois and the Section 304 of the VAWA amendments are provided at the end of the policy. Definitions supplied from Illinois statutes are applicable to criminal prosecutions in Illinois but may differ from the definition used on campus to address policy violations.

Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Violations include:

Non-Consensual Sexual Intercourse

Defined as:

- any sexual intercourse
- however 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; or
- Any other intentional bodily contact in a sexual manner.

Sexual contact or intercourse is non-consensual when:

- It is forced through intimidation, threats, physical violence or imposition; or coercion
- The reporting party is incapacitated; is unable to understand what is happening; and that incapacity is known to or should have been known to the reporting party; or
- When knowing, voluntary, clear permission through words or actions has not been given to engage in specific sexual conduct
- There is silence or an absence of a response
- It has been clearly communicated that consent has been rescinded

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Intimate Partner Violence (commonly referred to as dating, domestic, or relationship violence) is defined as:

- verbal, emotional, physical abuse or violence,
- between those who are involved in, or have been involved in, an intimate interaction or relationship

Stalking

Is defined as:

- Repetitive pursuit, following, and/or harassing, and/or
- Behavior that is menacing,
- That causes a reasonable person fear for themselves, intimate partners, or family members, and/or,
- Results in or causes significant emotional distress (based on a reasonable person standard).

Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual misconduct under this policy.

Discriminatory Harassment, Bias Related Incidents and Hate Crime

The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Discriminatory harassment is defined as unwelcome conduct (e.g. physical actions, images, verbal or

written comments, or posts on social media) by any member or group of the community on the basis of a targeted individual's actual or perceived membership in a class protected by policy or law.

In addition, the following conduct is also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class.

- Extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, or joining student organizations, athletics, or any other group affiliation or activity. (as defined further in the Hazing Policy in the Student Handbook);
- Bullying, defined as repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally that is not speech or conduct otherwise protected by the 1st Amendment;
- Hate crimes as defined by the Clery Act are criminal acts committed against a person or property that is motivated in whole or in part by the individual's bias against a person based on their actual or perceived race, gender, religion, disability, sexual orientation, or ethnicity/national origin³. Hate crimes include:
 - Destruction/damage/vandalism of property: willfully or maliciously destroy, damage, deface or otherwise injure real or personal property,
 - Intimidation: placing a person in unreasonable fear of bodily harm through the use of threatening words or other conduct,
 - Simple assault: unlawful physical attack with no weapons and does not result in severe injuries,
 - Larceny: theft, shoplifting, pocket-picking and or stealing,
 - Arson: willful or malicious burning or attempt to burn a dwelling, house, public building, motor vehicle or aircraft, or personal property,
 - Motor vehicle theft: theft or attempted theft of a motor vehicle,
 - Burglary: unlawful entry of a structure to commit a felony or theft,
 - Aggravated assault: unlawful physical attack for the purpose of inflicting severe or aggravated bodily injuries with a weapon or means to produce great bodily harm,
 - Robbery: the attempt to take or the actual taking of anything of value from a person by force, threat of force, or put in fear that force will be used,

³These definitions are based on the U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting, 2016 Edition*, Washington, D.C., 2016. The report is available at <http://www.ed.gov/admins/lead/safety/campus.html>.

- Sexual Assault: rape, non-consensual fondling of private body parts, statutory rape and incest,
- Homicide and non-negligent manslaughter.

These behaviors collectively constitute a form of discrimination that is prohibited by this policy.

Reporting Standard

Anyone experiencing discriminatory harassment, bias-related incident, hate crimes or other conduct outlined above is encouraged to report it immediately. The College will act to respond to all forms of discriminatory harassment when reported, whether or not the harassment rises to the level of creating a hostile environment or meeting the elements of a hate crime. Discipline through this policy is not typically imposed for discriminatory harassment or other bias-related conduct as defined in the above section unless it meets the standard for hostile environment. The same is true for bias incidents that do not meet the elements required for a hate crime.

Disciplinary Standard

A hostile environment is one that unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities.⁴ This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe, and/or persistent, and/or pervasive, **and** objectively offensive based on an individual's perceived or actual membership in a protected class. Typically, a single act or offensive comment would not meet the criteria for a hostile environment, however, a single or isolated incident can be sufficiently severe to be considered a hostile environment as would be the case with hate crimes.

When discriminatory harassment rises to the level of creating a hostile environment or meets the defined elements for a hate crime, the College may also impose sanctions on the responding party in the event that the responding party was found in violation through the formal investigation procedures. The College reserves the right to address offensive conduct, harassment, bias incidents that do not rise to the level of creating a hostile environment or a hate crime with the responding party through feedback, remedial actions, education, or other resolution processes such as restorative resolution conferences, restorative circles, facilitated dialogue, or mediation as deemed appropriate. Related violations may be pursued through other policies such as those outlined in the Student or Faculty Handbooks or Human Resources Personnel Policies and may result in disciplinary action.

Resources and Reporting Options

The College wants individuals to be aware of what to do following an experience of sexual assault, intimate partner violence (i.e. dating and domestic violence), stalking, sexual, gender-based, or discriminatory harassment, and hate crimes including how to contact law enforcement in an emergency, how to access medical care, and how to preserve evidence. Individuals are encouraged to talk about what occurred with someone who is in a position to provide immediate support and who can assist the individual in identifying resources, options, and to whom to report what occurred so that the Assistant

⁴ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at: <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

Vice President for Equity, Diversity and Inclusion can respond appropriately. The College has resources that are either confidential or private where individuals can seek support and discuss options.

Confidential resources are those individuals who will not report any information to others without a release of information and provide support as well as an overview of options, resources, and referrals. Confidential resources will have to report if the person is a risk to themselves or others, or in the event that abuse to minors is being disclosed. On-campus confidential resources include the Dyson Wellness Center advocate, counselors, and medical staff. Off-campus confidential resources include advocacy agencies, mental health care providers, health care providers, and emergency room staff.

Those offices that are considered to be private such as the Center for Student Success, Dean of Students, Campus Safety, Residence Life, and Office of Multicultural Affairs will only share an individual's information to the extent necessary to report to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and the Bias Incident Response Team, and to provide a coordinated response to their concerns.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator honor requests for confidentiality or for no action to be taken providing that a safe, non-discriminatory environment can be maintained for the individual and campus community. Otherwise, reports to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator are considered to be private and information is only shared to the extent necessary to provide academic accommodations, interim safety measures, referrals, and/or to conduct an investigation (*see Section III, B. Preliminary Inquiries*).

Assistance will be provided to individuals who want to make a report to law enforcement but an individual's right or desire not to do so is also respected, barring emergency situations.

Faculty and Staff Reporting Obligations

All College employees have a duty to report harassment or discrimination of which they become aware, unless they fall under the "Confidential Reporting" below. Employees are encouraged to utilize the online reporting mechanisms or they can contact the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator directly via phone or email.

Generally, climate surveys, classroom writing assignments or discussions, human research subjects, research, or events like "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, unless the reporting party clearly indicates that they wish a report to be made. Providing students with information about the available resources is encouraged but no formal College action is required.

Failure of a non-confidential employee, as described in this section, to report an incident of discrimination, harassment, sexual misconduct, or retaliation of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

I. REPORTING OPTIONS

A. Local Law Enforcement and Campus Safety

The right of individuals to report to law enforcement is supported, but the College also acknowledges that some individuals do not want to report their experiences with sexual misconduct or bias-related incidents/hate crimes to law enforcement. Any individual who would like to report to law enforcement can be assisted through the Campus Advocate (for sexual misconduct) or Campus Safety.

Naperville Police Department (24/7/365)

Naperville Police Department is located at 1350 Aurora in Naperville and can be contacted by dialing 911 (Emergency) or calling (630) 420-6666 (Non-Emergency) to make a police report.

Campus Safety (24/7/365)

A report can also be made to Campus Safety located in New Hall at 451 S. Brainard and can be contacted by dialing (630) 637-5911 or x5911 on campus. Campus Safety officers can assist with making reports to law enforcement and the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. Campus Safety can provide transport to the Edward Hospital Emergency Room for a forensic evidence collection exam and post-assault medical care including STI testing. Campus Safety can also provide transportation to the following medical providers: Edward Care at Jewel Osco on Washington, Cadence Care Center at Raymond & Ogden, or CVS Clinic at Ogden & Naper Blvd. Campus Safety can also provide escort to and from on campus programs, classes, and residence halls.

B. Reporting Discrimination, Harassment, Sexual Misconduct and/or Retaliation to the College

Reports of discrimination, harassment, sexual misconduct and/or retaliation may be made using any of the following options:

Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator

Reports of discrimination, harassment, sexual misconduct and/or retaliation may be made directly to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

Dr. Rebecca Gordon

Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator

524 Old Main

30 N. Brainard

(630) 637-5340

rgordon@noctrl.edu

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator works closely with various offices on campus to coordinate the College's response to and support of individuals who experience sexual and gender-based violence and harassment or bias-related incidents/hate crimes. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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.

In responding to incidents of sexual or gender-based violence or harassment, discriminatory harassment, or bias-related incidents/hate crimes the Assistant Vice President for Equity, Diversity and Inclusion and

Title IX/504 Coordinator assists individuals with 1) understanding the available options; 2) implementing interim safety

measures such as changing offices or housing assignments, issuing College No Contact or Trespass Orders, or issuing interim suspensions; 3) obtaining academic accommodations which could include flexible deadlines, excused absences, support of academically related petitions or withdrawal from classes without academic or financial penalty; 4) overseeing formal resolutions procedures and informal and facilitated options; and 5) making referrals.

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 an investigation or resolution 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. Whether reported directly or by a third-party, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 for cases of sexual misconduct or bias-related incidents/hate crimes. Regardless, with all reports, interim measures 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will be able to honor a request for anonymity, confidentiality, or to take no action. If the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will maintain privacy to the extent possible.

Anonymous Reporting (24/7/365)

Anyone wishing to make an anonymous report can contact the Campus Conduct Hotline at (866) 943-5787, which is available **24 hours a day**.

Confidential Reporting

For sexual misconduct/sex/gender-based harassment, the Campus Advocate can receive confidential reports that are only shared as aggregate data for the College's on-campus crime statistics. No personally identifiable information is shared unless permission is granted. The Campus Advocate can also assist with reporting to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, and/or law enforcement. The Campus Advocate is housed in the Dyson Wellness Center located at the Benedetti-Wherli Stadium on 455 S. Brainard Street. During normal business hours, the Campus Advocate can be contacted via phone by calling (630) 637-5550. The Campus Advocate can be contacted after hours through contacting Campus Safety at (630) 637-5911.

Confidential reporting for sexual misconduct/sex/gender-based harassment or bias-incidents/hate crimes can also be made to the Dyson Wellness Center counselors. For an intake appointment contact (630) 637-5550.

Sexual Misconduct Online Reporting Form

The online reporting form for discrimination, harassment, sexual misconduct and retaliation can be located at: titleixreport.northcentralcollege.edu. The online reporting form can also be accessed from the Title IX website at: <https://www.northcentralcollege.edu/TitleIX>. Online reports can be made by Responsible Employees, individuals impacted by sexual misconduct or third-parties, and will be reviewed by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and responded to within 24 hours. Individuals who have experienced sexual misconduct will receive a Title IX outreach letter with a copy of this policy that outlines their options, resources, and rights.

Bias Related Incident Online Reporting Form

The online reporting form for bias-related incidents can be found at: biasincident.northcentralcollege.edu. Online reports can be made by anyone, including witnesses or individuals who have been impacted by the bias-related incident. Bias incident reports will be reviewed by the Bias Incident Response Team (BIRT) and the Assistant Vice President of Equity, Diversity and Inclusion.

The BIRT is a team of representatives from multiple areas of campus and is chaired by Dorothy Pleas, Assistant Dean of Students and Director of Multicultural Affairs. The BIRT assists the Assistant Vice President of Equity, Diversity in monitoring bias-related incidents, coordinating the College's response, and providing information about options and referrals. Reporting bias-related incidents allows the College to assist those in need, track patterns of bias and improve our campus climate. Individuals who have reported a bias-related incident will typically be contacted by a member of the Bias Incident Response Team or Assistant Vice President for Equity, Diversity and Inclusion to outline their options, resources, and rights.

Office of Multicultural Affairs (Bias-Incident Reporting)

For individuals who have experienced or witnessed a bias-related incident, discrimination, or hate crime, staff in the Office of Multicultural Affairs can assist in reporting the incident to the College, outlining options, providing support, and referring reporters to resources. Staff in the Office of Multicultural Affairs can assist the student in making a bias incident report and reporting the incident to Campus Safety and/or local law enforcement. Staff can also assist students with informal resolutions such as providing feedback to the department or unit on behalf of the reporting party, providing education or training about the impact of bias and microaggressions, or facilitating a dialogue between the student and other party. Based on student reports, the Assistant Dean of Students and Director of Multicultural Affairs collaborates with the Assistant Vice President for Equity, Diversity and Inclusion to implement interventions and initiatives to improve climate issues.

Places to call to assist you in reporting to the College

- Campus Advocate (for sexual misconduct):
 - Campus Advocate: (630) 637-5550 | M-F 8:00 a.m. to 4:30 p.m.
 - Call Campus Safety to reach the Campus Advocate after hours
- Campus Safety:
 - Campus Safety: Officer on Call – (630) 637-5911 | 24 hours
 - Director of Campus Safety – (630) 637-5912 | M-F: 8:00 a.m. to 4:30 p.m.
- Multicultural Affairs:

- Dorothy Pleas, Assistant Dean of Students and Director of Multicultural Affairs – (630) 637-5156 | M-F 8:00 a.m. to 4:30 p.m.
- Residence Life:
 - Area Hall Director on Call – (630) 816-5298 | 24 hours
 - Director of Residence Life – (630) 637-5861 | M-F: 8:00 a.m. to 4:30 p.m.
- Deputy Title IX Coordinators:
 - Stephen Maynard Caliendo, Dean of the College of Arts and Sciences (Goldspohn Hall, 31 N Loomis, Room 19C, smcaliendo@noctrl.edu, (630) 637-5344)
 - Jeremy Gudauskas, Assistant Vice President and Co | Director of the Center for Social Impact (40 E Jefferson House, jkgudauskas@noctrl.edu, (630) 637-5147)
 - Susan Kane, Associate Athletic Director (Merner Field House, 450 S Brainard, Room 106C, smkane@noctrl.edu, (630) 637-5501)
 - Kevin McCarthy, Assistant Vice President for Student Affairs and Dean of Students (Old Main, 30 N Brainard, Suite 501, kemccarthy@noctrl.edu, (630) 637-5152)
 - Sharon Merrill, Director of Human Resources (Old Main, 30 N Brainard, Suite 507, semerrill@noctrl.edu, (630) 637-5718)
 - Mary Spreitzer, Assistant Vice President for Human Resources (Old Main, 30 N Brainard, Suite 507, mspreitzer@noctrl.edu, (630) 637-5754)
- Student Affairs:
 - Assistant Vice President for Student Affairs and Dean of Students – (630) 637-5152 | M-F: 8:00 a.m. to 4:30 p.m.
 - Assistant Vice President for Student Affairs and Co-Director of the Center for Social Impact – (630) 637-5147 | M-F: 8:00 a.m. to 4:30 p.m.
- Human Resources: (630) 637-5757 | M-F: 8:00 a.m. to 4:30 p.m.
- Dyson Wellness Center: Professional Counselors – (630) 637-5550 | M-F: 8:00 a.m. to 4:30 p.m.
- Faith and Action: Director of Faith and Action – (630) 637-5417 | M-F: 8:00 a.m. to 4:30 p.m.
- College faculty, staff, or supervisor

II. RESOURCES FOR THOSE WHO EXPERIENCE SEXUAL MISCONDUCT OR BIAS-RELATED ASSAULT/HATE CRIMES

A. Procedures to Follow After Experiencing Sexual Misconduct or Bias-Related Assault/Hate Crimes

The following are suggested options after experiencing sexual misconduct or bias-related assaults/hate crimes. These options are not listed in a step-wise order so some options may be pursued and not others.

Procedures to follow:

- **If you are in immediate danger, call 911 for assistance from local law enforcement**
- **Get to a safe and secure location as soon as you can and lock the door**
- **If you are on campus and have continued safety concerns contact:**
 - **Naperville Police Non-emergency number (630) 420-6666 (24/7/365),**
 - **Campus safety (630) 637-5911 (24/7/365) or,**
 - **Area Hall Director on call (630) 816-5298 (24/7/365 for students living on campus).**
- **Contact a friend, family member or support person, tell them what happened and have them come to your location**
- **Seek medical assistance as soon as possible**

Getting medical attention is important for addressing the physical consequences of any type of sexual violence or physical assault, even if you do not wish to seek criminal prosecution. In cases of sexual assault, seeking medical attention within 24 hours of a sexual assault is the most ideal for medical and prophylactic treatment, however evidence can be collected from the body for up to 120 hours after an assault, and from clothing and other items for much longer. Individuals who experience sexual violence or physical assaults can have health issues that include bruising, cuts, abrasions, internal injuries not readily apparent, or broken bones. Individuals who have experienced sexual assault can also have additional health concerns that could include tearing or bruising of the labia, vaginal or anal wall, urethra; sexually transmitted infections such as chlamydia, gonorrhea, herpes and HIV; and pregnancy.

Campus Safety can provide transport to the Edward Hospital Emergency Room for a forensic evidence collection exam and post-assault medical care including STI testing. Campus Safety can also provide transportation to the following medical providers: Edward Care at Jewel Osco on Washington, Cadence Care Center at Raymond & Ogden, or CVS Clinic at Ogden & Naper Blvd. Campus Safety can also assist with securing the scene for evidence collection, making a report to law enforcement, making a report to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and reaching confidential on-campus resources after business hours.

Sources for Medical Care

Edward Hospital Emergency Room is located at 801 S. Washington Street, Naperville, IL. Their number is (630) 527-3000 (Main Switch Board) and they are open 24 hours for response to physical and sexual assault.

The Edward Hospital Emergency Room is staffed by sexual assault nurse examiners (SANE) and will contact the YWCA to dispatch a medical advocate to provide information and support during the ER visit. The ER can provide emergency and follow-up health care following a sexual assault, which includes prophylactic treatment for STIs, emergency contraception, test for date-rape drugs, and can conduct a forensic exam to collect physical evidence. The emergency room visit is free of charge when paperwork is completed with a YWCA medical advocate. The emergency room staff will contact the Naperville Police Department in cases of sexual assault though the individual can decline to talk with them. Treatment and testing is provided regardless of whether a police report is filed.

The Dyson Wellness Center (DWC) is located at 455 S. Brainard Street on the 2nd floor of the Benedetti-Wherli Stadium and open during normal business hours. The DWC also offers confidential medical consultations, referrals and low-cost STI testing. Appointments can be made by calling (630) 637-5550.

Off-Campus STI Testing Options

If an individual does not wish to go to the emergency room, there are alternative options for STI testing. Below is a list of options within 10 miles of North Central College.

- DuPage County Health Department: Appointments are required and can be made via telephone (630) 682-7400
- Planned Parenthood: Appointments are required and can be made online or via telephone (630) 585-0500
- Open Door Health Center of Illinois: Appointments are required and can be made online or via telephone (630) 264-1819
- VNA Health Center: Walk-ins welcomed, but appointments can be made online or via telephone (630) 892-4355

Evidence Preservation

After experiencing sexual misconduct, discriminatory, sexual or gender-based harassment, bias incident or a hate crime, preserving evidence is important to assist in criminal prosecution, an investigation, and/or obtaining civil orders of protection or no contact orders, even if you are undecided about what courses of action you want to pursue.

Forensic Evidence Collection for Sexual Assault

- Secure the room or location where the sexual assault occurred (if possible) without disturbing anything. If you need assistance securing an on-campus room or location for evidence collection, call Campus Safety – (630) 637-5911. Do not allow anyone else to enter until law enforcement arrives.
- Preserve all physical evidence and take pictures or screen shots.
- 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 sexual assault, however, evidence can still be obtained even if you shower or wash.
- If you suspect a rape drug has been used, do not urinate and ask the health care provider to take a urine sample immediately.
- Evidence can be collected up to 120 hours post sexual assault, or longer in some cases, through the forensic evidence collection process conducted in the Emergency Room. Keep the same clothes on if you are still wearing what you had on during the assault. The Emergency Room will provide you with scrubs or sweats or you can have someone bring clothes. Otherwise, bring the clothes with you to the Emergency Room in a clean paper bag or bedsheet, not wrapped in plastic.

General Evidence Collection

- In the cases such as battery, property damage, vandalism, Contact Campus Safety (630) 637-5911 for evidence collection or documentation. Campus Safety can also secure the location for

evidence collection and documentation by local law enforcement.

- Try to remember any helpful details that can corroborate your account of events (e.g. what time you arrived, what time the other person arrived, who saw them with you, what other friends were there). Write details down as soon as you remember them even if they seem irrelevant like who was there, description of the location, and what you saw, felt, smelled, and heard.
- If you don't know the identity of the other person, try to remember what they were wearing, who they came with or seemed to know them, any identifying marks, jewelry, and clothing.
- Save emails, texts, snap chats, voice mails, any messages sent over social media, and written notes. If these are disturbing to you, forward to a friend to be the repository of the information or College official like the Campus Advocate (for sexual misconduct), Campus Safety, or Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.
- Take pictures of any physical injuries or damage to property.
- Keep a record of witnesses or people you informed of what was happening.
- Keep a record of all the incidents with date, time and description of abusive, harassing, or threatening behavior, and email it to yourself or a trusted friend in order to have a time stamp.

B. Confidential Advocacy and Counseling

On-Campus Confidential Resources:

Faculty, Staff and Students

For sexual misconduct/sex/gender-based harassment, the Campus Advocate available through the Dyson Wellness Center offers confidential support services and advocacy. The Campus Advocate can be contacted at (630) 637-5550 during normal business hours and can be contacted after hours through calling Campus Safety. The Campus Advocate provides technical assistance to anyone who has experienced sexual violence, dating or domestic violence, and stalking. The Campus Advocate can provide an overview of all the on- and off-campus options available to anyone who has experienced sexual misconduct, assist with pursuing civil orders of protection or no contact orders, provide safety planning, facilitate immigration status assistance, access changes in housing assignments, help with reporting to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and/or law enforcement, and help with anonymous or confidential reporting to the College for purposes of maintaining accurate crime statistics. The Campus Advocate can serve as the advisor of choice and attend all meetings that are part of on and off campus processes. Individuals may request to be contacted by the Campus Advocate.

Students

The professional counselors at the Dyson Wellness Center can provide free, short-term, confidential counseling and/or referrals to off-campus mental health providers. An intake appointment can be made by calling 630-637-5550. Counseling services hours are Monday and Wednesday, 8:00 a.m. – 6:30 p.m. and Thursday and Friday, 8:00 a.m. – 4:30 p.m.

When classes are not in session, the Dyson Wellness Center's hours are Monday – Friday 8:00 a.m. – 4:30 p.m. On campus holidays, the Dyson Wellness Center will be closed.

Faculty and Staff

For sexual misconduct/sex/gender-based harassment, discriminatory harassment, or hate/bias crimes, Perspectives Employee Assistance Program provides free and confidential support and counseling services to North Central College Employees. Perspectives EAP is available 24/7 and can be accessed over the phone, in person and online. Master's and Doctorate-level EAP counselors can answer questions, provide counseling, or assist you with referrals. Call (800) 456-6327. In person appointments can be made by calling (800) 456-6327, 8:00 a.m. – 6:00 p.m. weekdays. Perspectives also provides access to specialists who will outline options and provide referrals for financial or legal assistance. Information can also be obtained online through perspectivesltd.com through user name: NCC700 and password: perspectives.

Off-Campus Confidential Resources (Sexual Misconduct):

YWCA Metropolitan Chicago Patterson and McDaniel Family Center (confidential)

2055 West Army Trail Road, Suite 140

Addison, IL 60101

Sexual Violence Support Services

Provides counseling to sexual assault survivors of all genders, medical advocacy for Edward Hospital Emergency Room and legal advocacy through police and court proceedings.

www.ywcachicago.org or (630) 790-6660

Rape Crisis Hotline: (630) 971-3927, 24-hours

Metropolitan Family Service- Healing from Domestic Abuse (confidential)

Offers comprehensive programs and services. Provides family shelter service for women and children, assistance with obtaining orders of protection through its Court Advocacy Office, offers support groups, and provides individual services and case management.

www.familyshelterservice.org or (630) 469- 5650

Mutual Ground (confidential)

Offers services for domestic violence and sexual assault. Sexual assault services include individual counseling sessions and support groups. Crisis intervention advocates for domestic violence assist with providing crisis support, identifying options, and assistance obtaining orders of protection. Mutual Ground also oversees a shelter.

www.mutualground.org

Domestic Violence Hotline (630) 897-0080

Sexual Assault Hotline (630) 897-8383

DuPage County Health Department Behavioral Health Services (confidential)

111 N. County Farm Road, Wheaton, IL 60187

Intake Appointment: (630) 682-7400

Monday-Friday, 8:00 a.m. – 5:30 p.m.

Crisis Services: (630) 627-1700, 24-hours

Off-Campus Confidential Resources (General):

DuPage County Health Department Behavioral Health Services (confidential)

111 N. County Farm Road, Wheaton, IL 60187

Intake Appointment: (630) 682-7400

Monday-Friday: 8:00 a.m. – 5:30 p.m.

Crisis Services: (630) 627-1700, 24-hours

Northwestern Medicine Behavioral Health Services (confidential)

27W350 High Lake Road, Winfield, IL 60190

Main Number: (630) 933-4000

Behavioral Health 24/7 Hotline: (866) 242-0111

www.nm.org/locations/winfield-behavioral-health

Monday-Thursday: 8:00 a.m. – 7:00 p.m., Friday: 8:00 a.m. – 4:30 p.m.

Assessment by appointment only

Advocate Good Samaritan Hospital Center for Mental Health (confidential)

3815 Highland Avenue, Downers Grove, IL 60515

(630) 257-6000

www.advocatehealth.com/gsam/health-services/behavioral-health-care/

Monday-Thursday: 8:00 a.m. – 6:00 p.m., Friday: 8:00 a.m. – 4:00 p.m.

NAMI of DuPage (National Alliance on Mental Illness)

115 N. County Farm Road, Wheaton, IL 60187

(630) 752-0066

<http://namidupage.org/>

Monday-Friday: 9:00 a.m. – 4:00 p.m.

YWCA Metropolitan Chicago Patterson and McDaniel Family Center (confidential)

2055 West Army Trail Road, Suite 140

Addison, IL 60101

Counseling Services

www.ywcachicago.org or (630) 790-6660 x1407

III. FORMAL RESOLUTION PROCEDURES AND RESOLUTION OPTIONS

A. Reporting an Allegation

Prompt reporting of discrimination, harassment, sexual misconduct and/or retaliation as defined in this policy is strongly encouraged, as it facilitates expedient resolution of an allegation. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may decide to investigate and take appropriate action in response to all complaints related to the College regardless of when or where the alleged conduct occurred. The ability of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to respond may be 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 file a complaint with College regarding an incident of discrimination, harassment, sexual misconduct or retaliation as defined by this policy should first bring this matter to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. Complaints may be made verbally, in writing

or online. Under no circumstances is an impacted individual required to report discrimination, harassment, sexual misconduct, dating or domestic violence, stalking, and/or retaliation to the person who is the alleged source of/reason for the allegation.

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 the administrators noted above, a supervisor, and/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).

Retaliation Prohibited

Retaliation is defined as any materially adverse action taken against an individual because of their participation in a protected activity such as alleging harassment or discrimination, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment or discrimination. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying or ostracism. Retaliation is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination that is investigated, with violations resulting in additional sanctions. Acts of alleged retaliation should be reported immediately to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and will be promptly addressed. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 about sexual harassment by a coach; 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 bias-related incident hearing about the organization president; the student member is subsequently removed as a member of the organization because he participated in the hearing.

Amnesty for Reporting Party and Witnesses

Reporting parties and witnesses are encouraged to report misconduct and crimes. 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 violating the drug or alcohol policy at the time of the incident. It is in the best interest 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, reporting parties and witnesses are offered amnesty from minor drug or alcohol policy violations related to the incident. While some policy violations cannot be completely overlooked, educational options will be provided, rather than discipline, to those who offer assistance to others in need. Amnesty may be granted on a case-by-case basis for other policy violations and will be evaluated by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

Reports about Students

To make a report or allegation of discrimination, harassment, sexual misconduct or retaliation involving a student responding party, contact the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), the Assistant Vice Presidents in the Office of Student Affairs (Jeremy Gudauskas: (630) 637-5147, Kevin McCarthy: (630) 637-5152), or the Director of Campus Safety (Ashley Klco (630) 637-5912). 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), Assistant Provost and Director of the Office of Institutional Effectiveness and Planning (Peter Barger: (630) 637-5362), the Dean of College of Arts and Sciences (Stephen Maynard Caliendo: (630) 637-5344), the Assistant Vice President for Human Resources (Mary Spreitzer: (630) 637-5754), or the 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), the Assistant Vice President for Human Resources (Mary Spreitzer: (630) 637-5754), or the 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.

Allegations of misconduct or discrimination committed by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can be reported to the Vice President for Student Affairs and Strategic Initiatives (Kimberly Sluis, OM 504, kasluis@noctrl.edu, (630) 637-5153), the Provost and Vice President for Academic Affairs (Abiodun Goke-Pariola, OM 538, agokepariola@noctrl.edu, (630) 637-5354) or the College President (Troy Hammond, OM 424, president@noctrl.edu, (630) 637-5454).

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator monitors all resolutions for potential conflicts, and asks all employees involved in the resolution process to immediately identify potential conflicts. Similarly, any participant in the process who is concerned about

a conflict should immediately identify that concern to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. In the event that there is a potential conflict of interest involving the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Strategic Initiatives. If circumstances require, the Provost and Vice President for Academic Affairs, the Vice President of Student Affairs and Strategic Initiatives, or the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may designate another person to oversee the process below, should an allegation of conflict be made about the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator or be otherwise unavailable or unable to fulfill their duties.

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, every effort will be made 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 investigation and appropriate disciplinary action.

Additionally, witnesses and parties providing knowingly false evidence or deliberately misleading an official conducting an investigation will be subject to discipline under College policy.

Parental Notification (allegations involving students)

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or student conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations.

When a student is non-dependent, the College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

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 by a third-party, the reporting party will be notified by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator that a report has been received. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and/or responsible administrator will offer to meet with the reporting party to discuss options and available support resources. If the allegation was received electronically, information will be sent to the individual submitting the report through the bounce back message that provides information and links to campus resources, policy, rights, and options.

B. Preliminary Inquiries

Following receipt of notice or a report of discrimination, harassment, sexual misconduct or retaliation, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 1-5 business days in duration when reviewed by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. The preliminary inquiry can take much longer if the case is complex or the matter is reviewed externally.

A reporting party can report an incident and ask for confidentiality or for a complaint not to be investigated. While confidentiality will limit the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator's ability to respond, these requests will be honored when a safe, nondiscriminatory environment for the reporting party and the campus community can be maintained. In these cases, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator would conduct a preliminary inquiry to determine appropriate remedies and necessary steps to prevent recurrence of the alleged behavior. If, however, the preliminary inquiry provides information that indicates a presence of violence, threat, pattern, predation and/or use of a weapon, or the vulnerability of minors, the College reserves the right to initiate an investigation without a formal report or participation by the reporting party. The reporting party would be informed that an investigation is being initiated and could participate in as much or as little of the investigation as they so choose. In these cases, an advisor is appointed as proxy for the reporting party throughout the formal resolution process, acting to ensure and protect the rights of the reporting party. Without the reporting party's participation, however, credibility would be difficult to assess. If credibility is a key consideration, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator must weigh the College's need to move forward without the involvement of the reporting party against the rights of the responding party, who is entitled to a fair process in accordance with these procedures.

In cases where the reporting party wishes to proceed, or the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator determines they must proceed, and the preliminary inquiry shows that reasonable cause exists to believe that College policy may have been violated, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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. Informal resolution procedures, as outlined below, are used instead.

Discretion to Terminate the Process at Any Time

The process followed considers the preferences of the parties, but is ultimately determined by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. If, during the preliminary inquiry or at any point during the formal investigation, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end and the parties will be notified.

The reporting party may request that the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, but the request is usually only granted in extraordinary circumstances. Other appeal options do not apply.

Cross-claims

The Institution permits the filing of cross-claims but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. Cross-claims by the responding party may be made in good faith, but are, on occasion, also made for purposes of retaliation. The College is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the underlying allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

Admission of Violation

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all of the alleged misconduct, the matter is directly referred to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, who will assemble a team of three (3) to four (4) trained faculty, staff, and Academic Affairs Administrators to make a determination that the individual is in violation of College policy and determine appropriate sanctions and/or responsive actions.

These sanction(s) and/or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

C. Informal Resolution Options

NOTE: The informal resolution procedure will not apply to any allegation of discrimination involving the Promotion and Tenure Committee (see Formal Resolution Procedures-Section III, E).

When an incident arises in which a person believes that they have been subjected to discrimination,

harassment, sexual misconduct, and/or retaliation as defined in this policy, it should be addressed as soon as possible. It is important for the College to have the opportunity to stop the behaviors that are

being experienced as discrimination, harassment, and/or sexual misconduct and prevent their recurrence before a hostile environment is created. Informal actions can be an effective avenue to resolve issues early on before they escalate. 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 individual engaging in the conduct or needs help in the process, then contact with the following individuals may be made:

- If the responding party is a student, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), the Assistant Vice Presidents in the Office of Student Affairs (Jeremy Gudauskas: (630) 637-5147, Kevin McCarthy: (630) 637-5152), the Director of Campus Safety (Ashley Klco: (630) 637-5912), or the Assistant Dean of Students and Director of Multicultural Affairs (Dorothy Pleas: (630) 637-5156).
- If the responding party is a faculty member, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), Assistant Provost and Director of the Office of Institutional Effectiveness and Planning (Peter Barger: (630) 637-5362), and the Dean of College of Arts and Sciences (Stephen Maynard Caliendo: (630) 637-5344), the Assistant Vice President for Human Resources (Mary Spreitzer: (630) 637-5754), or the 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (Rebecca Gordon: (630) 637-5340), the Assistant Vice President for Human Resources (Mary Spreitzer: (630) 637-5754), or the Director of Human Resources (Sharon Merrill: (630) 637-5718).
- Bias-related incidents reported through the [Bias Incident Reporting Form](#) will be directed to the North Central College Bias Incident Response Team once submitted. The BIRT receives, monitors, refers and coordinates college responses to hate and bias-related incidents on campus, and can assist with informal procedures.

At the reporting party's request, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may intervene directly with the party who allegedly engaged in the conduct. In this case, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will typically enlist the assistance of Human Resources and/or, supervisor, department chair, Dean or Provost to meet with the other party who allegedly engaged in the conduct to provide feedback about the impact the incident had on the reporting party.

This provides an opportunity for the party who allegedly engaged in the conduct to respond to the allegation, gain awareness about the impact of their behavior, and to modify their future interactions. After discussions with both parties, further attempt may be made to facilitate a solution, through facilitating a conversation, apology, or written agreement between the parties. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will make every effort to resolve informal allegations in a timely manner. Every attempt is made to complete the informal resolution process within a thirty (30) business day time period, which can be extended as necessary for

appropriate cause by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator with notice to the parties. The informal resolution

process may also be utilized when a responding party accepts responsibility for all allegations.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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, faculty and staff; revising and publicizing the College's policies on discrimination, harassment, sexual misconduct and/or retaliation; and conducting climate surveys.

Informal processes are entirely voluntary. At any time, either party may end the informal process and request a facilitated resolution option or formal resolution procedure involving an investigation to determine whether or not a policy violation occurred.

D. Facilitated Resolution Options

Facilitated resolution options are voluntary processes that are facilitated by trained faculty and staff and are used to remedy or resolve issues before they escalate in severity and scope to qualify as a hostile environment, sexual misconduct or a hate crime. Facilitated resolution options do not determine policy violations or sanctions. Facilitated resolution process typically results an agreement that is reached by the parties, although that is not always the case. Agreements or Memorandums of Understanding include mutually determined expectations around such things as reconciliation, apologies, remedial education as well as future communication, interactions, restitution, or other appropriate remedies. Facilitated resolution options vary in how advisors are involved. In mediation, parties could have advisors accompany them to the pre-meetings and mediation but it is not required. Advisors participating in mediation are not active participants in the process. In contrast, restorative resolution processes ask the parties to identify supporting parties who are active participants in the process.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator determines whether facilitated resolutions options are appropriate based on the willingness of the parties to participate and nature of the conduct at issue. Certain facilitated resolution options such as mediation would not be appropriate to use in situations where there is a past abuse of power and authority, past history of intimate partner violence, chronic stalking, or sexual assault. Restorative resolution processes, however, have been effectively utilized in response to bias-related incidents and sexual misconduct when the responding party has indicated responsibility for harm and indicated a willingness to participate in the process.

Facilitated resolution options are voluntary and can be terminated by either party. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can also determine that a facilitated resolution process is no longer an appropriate option based on new information, parties not entering into the process in good faith, or an identified risk of harm to self or others. Facilitated resolutions options do not have to be pursued before a formal resolution procedure. Facilitated resolution options can be used in lieu of formal resolution procedures or following formal resolution procedures. Once the mediation or restorative resolution conference has been started, the parties cannot use the information gained in in the process for a formal resolution procedure. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator maintains the records of the agreements that are reached through the facilitated resolutions processes.

Mediation Processes

Mediation is a dispute resolution process that consists of a facilitated conversation between parties that identifies key issues, helps the parties understand each other's positions, and guides the parties to an agreed upon resolution. Mediation can be used to negotiate the terms of continued professional, educational or interpersonal interactions by working through the impact versus intent of behaviors, microaggressions, bias-related incidents, and harassment. Mediation involves pre-meetings with the parties to discuss the incident and issues, identify the focus of the mediation, and review the process of mediation. An agreement to mediate that contains the scope and goals of the mediation is signed by both parties. The parties brainstorm solutions based on the goals of the mediation and come to an agreement that is signed by both parties. Mediations can occur face-to-face or be conducted in an asynchronous manner in which the mediators convey the information between the parties.

The content of the discussions in mediation are confidential and will only be shared with supervisors, department chairs, deans and the provost to the extent requested by the parties. If the parties are dissatisfied with the degree to which the agreement is being honored, they can contact the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator for additional options.

Restorative Resolution Processes

Restorative resolution processes include Restorative Resolution Conferences and Restorative Circles. Restorative Resolution Conferences bring together parties who have been impacted by an event or incident, which includes the party(ies) who experienced harm, the party(ies) who caused harm, and their support people to participate in a structured dialogue. All participants are afforded the opportunity to respond to questions about what happened and the harm caused by the incident. The harmed party has an active role in process in identifying what they need from the responsible party in order to repair harm and rebuild trust. The responsible party has an opportunity take responsibility for the harm as well as identify actions that could repair the harm and rebuild trust for the harmed party and community. The process facilitates responsible party's ability to identify, acknowledge, and understand the harms caused by their behavior or actions.

Pre-conference meetings are conducted with all of the parties who will be participating in the Restorative Resolution Conference. An agreement to participate in the Restorative Resolution Conference is signed by the parties. Restorative Resolution Conferences are typically facilitated by two trained facilitators and result in a Memorandum of Understanding about the actions the responding party needs to take in order to repair the harm and rebuild trust. This agreement is binding and can result in disciplinary action for non-compliance to the terms agreed upon during the conference. The content shared in the Restorative Resolution Conference cannot be used in a formal resolution process, however and while it is unlikely, the content from Restorative Resolution Conferences could be subpoenaed.

Through a less scripted process, Restorative Circles brings together members of a community that have been impacted by an event or incident. All members of the community have an opportunity to have an open and honest dialogue that focuses on the opportunity ask questions and to listen to others, gain understanding, and identify ways in which the harm can be repaired or trust rebuilt.

E. Interim Actions and Responsive Measures

Persons bringing an allegation of discrimination, harassment, sexual misconduct and/or retaliation under this policy may seek the following arrangements from the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator handling the allegation, who will consult with the appropriate individuals to ensure that arrangements are reasonably available. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may take whatever interim actions 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 actions 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 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 action is a violation of College policy and may lead to additional disciplinary action. Interim actions and responsive 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),
- Suspension with or without pay pending an investigation,
- A no contact order (an order that an individual refrain from direct/indirect contact with another person[s]),
- An escort to ensure movement safely between classes, activities or work assignments,
- Safety planning,
- 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,
- Visa and immigration assistance,
- Assistance with enforcing locally-obtained protection orders on campus,
- Access to on- and off-campus counseling and/or health services, and/or
- Assistance in reporting the matter to local police.

Interim actions will be determined in the following ways:

- If the responding party is a student, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will consult with the Assistant Vice President for Student Affairs and Dean of Students, the Director of Campus Safety, and/or the Behavioral Intervention Team to assess risk to the reporting party or campus community.
- If the responding party is a faculty member, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will consult with the Provost and Vice President for Academic Affairs, the hiring manager, the Assistant Vice President for Human Resources, and the Behavioral Intervention Team to assess risk to the reporting party or campus community.
- If the responding party is a staff member, group/program, or a third-party consultant/contractor, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will consult with the Assistant Vice President for Human Resources or the

Director of Human Resource Services, and the Behavioral Intervention Team to assess risk to the reporting party or

campus community.

- If the responding party is a member of the College administration the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will consult with the Assistant Vice President for Human Resources, the College President, and external counsel.

The College will implement the least restrictive interim actions possible in light of the circumstances and safety concerns. As determined by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, these measures may include restrictions from classes and/or all other Institutional activities or privileges for which the student might otherwise be eligible. For example, such measures could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of Institutional facilities or equipment, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or intercollegiate athletics.

At the discretion of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the reporting and responding parties.

Each interim action is determined on a case-by-case basis. Every effort will be made to balance individual and community safety with the rights of both parties to pursue their education. If the responding party feels an interim measure unreasonably deprives them of their access to education, programs, employment, or living situation, they can submit a request to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to review the interim measure. The matter will be assigned to a Deputy Title IX Coordinator or similarly situated trained administrator who will decide if there is justification to amend or rescind the interim measure. In situations involving individual or community risk, The Deputy Title IX Coordinator or similarly situated trained administration can also consult with the Behavioral Intervention Team in making this decision. Both parties will be notified regarding the decision and if any adjustments have been made to the interim measures. Any program modifications and/or protective measures will be maintained as confidential provided confidentiality does not impair ability of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to provide the modifications or protective measures.

For students, it is also recognized that experiences with discrimination, harassment, sexual misconduct, and/or retaliation can interfere with their academic performance. Therefore, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will review with the parties their rights to reasonable academic accommodations and will assist in making these requests to the appropriate advisor, faculty member(s), department chair or dean, or College administrator. Academic and administrative accommodations include but are not limited to:

- Working with College staff to re-calculate financial aid due to changes in family or dependency status.
- 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.
- Working with faculty on identifying excused absences and opportunities to make-up work that

was missed.

- Arranging for test or class re-takes, or withdrawal from a class or campus without academic or financial penalty, to the extent possible.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator has the authority to determine that such reasonable accommodations are necessary and appropriate and will maintain documentation related to accommodations. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may inform faculty members, deans or College administration of the need to adjust academic parameters accordingly. A request for accommodations from a student will be shared with faculty and staff only to the extent necessary to provide reasonable accommodation.

In addition, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can review prior sanctions that were imposed on the reporting party to determine if there may be a connection between those sanctions and the discrimination, 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 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 discrimination, harassment, sexual misconduct, and/or retaliation;
- Developing additional resources;
- Conducting bystander training or prevention programs;
- Re-issuing policy statements or taking additional steps to communicate that the College does not tolerate discrimination, 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.

F. Formal Resolution Procedure

The following outlines the formal resolution procedure initiating an investigation that will be used to address alleged violations of this policy and any appeals based on the same. The formal resolution procedure has been created based on the principle of fundamental fairness, equity, and transparency that affords an opportunity for all parties to provide information, identify witnesses, suggest questions, and review all of the information collected before a decision is rendered.

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations entail interviews

with all relevant parties and witnesses, submission of evidentiary information by the parties and witnesses, an independent gathering of pertinent facts and materials, and the identification of sources of expert information, as necessary. All parties will be provided the names of the individuals who will be appointed to serve as the investigative team, or appeals committee. Each party has an opportunity to identify conflicts of interest posed by the individuals conducting the investigation and who will be determining the finding and/or sanctions and request a substitution. Each party has the opportunity to have an advisor of choice present for all meetings and proceedings and to receive notification about the outcome of the investigation, simultaneously, in writing. All parties have an equal opportunity to appeal the finding and/or sanction. For investigations that involve employees, the hiring manager and appropriate Vice President are informed and will be consulted by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to review the sanctions/remedies.

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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator or College administration determines, in its sole discretion, to engage an external party to investigate.

Withdrawal or Resignation While Charges Pending

Students: The Institution does not permit a student to withdraw if that student has an allegation pending for violation of the policy on discrimination, harassment, sexual misconduct or retaliation. Should a student decide to not participate in the formal resolution process, the process proceeds absent their participation to a reasonable resolution.

Employees: Should an employee resign with unresolved allegations pending, the resolution process ends, as the Institution no longer has disciplinary jurisdiction over the resigned employee. However, the Institution will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination. The employee who resigns with unresolved allegations pending is not eligible for rehire with the Institution, and the records retained by Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and Human Resources will reflect that status. All Institution responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Advisors

Each party is allowed to have an advisor of their choice present with them for the formal resolution procedures that include informational meetings, intake, investigative interviews, and appeal. 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 investigation, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney, advocate, process advisor, or any other supporter a party chooses to advise them. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator has trained individuals that can serve in the role as an Advocate (reporting party) or Process Advisor (responding party). Please contact the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator if you want an Advocate or Process Advisor to be provided for you.

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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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.

Responding parties may wish to contact organizations such as:

- Illinois State Bar Association (<https://www.isba.org/>)
- IllinoisLawyerFinder (<https://www.isba.org/public/illinoislawyerfinder>)
- Families Advocating for Campus Equality (FACE) (<http://www.facecampusequality.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

Pro Bono Legal Assistance

- DuPage Legal Assistance Foundation
126 S. County Farm Road, Wheaton, IL 60187
(630) 653-6212 www.dupagelegalaids.org
- Illinois Attorney General- Legal Assistance Referrals
www.illinoisattorneygeneral.gov/about/probono

All advisors are subject to the same rules, whether they are attorneys or not. The advisor may not make a presentation or present evidence 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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.

Parties frequently share documentation related to the allegations with their advisors. In order for the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to share information directly with 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 third parties, disclosed publicly, or used for purposes not explicitly authorized by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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.

An advisor is expected to adjust their schedule to allow them to attend College meetings when scheduled. Scheduled meetings are not typically changed to accommodate an advisor's inability to attend. Reasonable provisions will be made, however, 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.

Investigation Time Line

Investigations are completed expeditiously, normally within 60-90 business days, though some investigations take significantly longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to initiate a formal investigation, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will provide the parties with a notice of allegation and/or investigation generally within two (2) business days following the appointment of an investigation team. Within the notice of investigation, each party is invited to attend a meeting to review the allegation, investigation process, their rights and resources (including right to have an advisor present and report to law enforcement), and to identify any potential conflicts with the investigative team members. This meeting is typically held with the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and the responsible administrator assigned to the investigation team.

In most cases it takes 10-20 business days to arrange scheduling and conduct interviews with the parties and witnesses, transcribe interviews and have the parties and witnesses review their transcriptions, collect information from the parties and witnesses, and independently gather relevant information.

Upon concluding the investigation, the investigators create an investigative report that provides a timeline of the investigative process, includes alleged policy violations, reviews all of the information that has been collected in the neutral fact-finding process, analyzes credibility of the parties and witnesses involved (approximately 5-10 business days). The investigative report is then reviewed by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator (approximately 3-5

business days). The parties are usually afforded three (3) business days to review the investigative report, list of witnesses, and all the information used to render a decision before a determination is made. The parties can

provide clarifications and suggest additional questions, or witnesses. The investigative team takes typically between 5-10 business days to review the information gathered, determine if a policy violation occurred, finalize the investigation report, recommend sanctions if appropriate, and notify the parties.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may undertake a short delay in its investigation (typically days to weeks) to allow evidence collection when criminal charges are being investigated on the basis of the same behaviors that invoke this process. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will promptly resume their investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. The ability of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to take 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.

Investigation Process

The investigation team typically includes two investigators, a responsible administrator, and a Deputy Title IX Coordinator (for cases of sex discrimination, sexual or gender-based harassment, sexual misconduct, or retaliation). The investigators are neutral fact-finders in charge of interviewing all parties and witnesses, collecting information submitted by the parties and witnesses, independently gathering evidentiary information and pertinent facts, and drafting an investigative summary and report. The responsible administrator oversees the investigation, monitors the timeline, provides regular updates to the parties, reviews the evidence, and assists in writing the investigative summary and report. The Deputy Title IX Coordinator facilitates the investigative team's review of the evidence, analysis of credibility, determination of findings regarding policy violations; assists in writing the investigative report, and the selection of appropriate recommended sanctions if there is a finding of violation.

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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator in conjunction with the investigation team, will typically take the following steps, if not already completed (not necessarily in order):

- The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and 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, and request substitutions. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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.
- 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;
- Conduct interviews as needed with all appropriate individuals, including the reporting and responding party and identified witnesses; 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 report 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. Each party 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. For

student responding parties, the

investigative team will also determine sanctions;

- The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will review the investigative report, finding, and sanctions for student responding parties found in violation of the policy;
- The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator's investigation. Failure of a witness to cooperate with and/or participate in the investigation may constitute a violation of policy and may be subject to discipline. Witnesses may be permitted to 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can determine if a witness is exempt from being compelled to participate.

Recording of Interviews

All interviews will typically be recorded and transcribed. 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 or appeal processes.

Evidentiary Considerations in the Investigation

Unless the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator determines it is appropriate, the investigation and the finding of responsibility does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception made in regard to the sexual history between the parties or when evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), or (3) the character of the parties.

Determination of Finding

The investigative team reviews all the materials collected in the investigation, analyzes the credibility of the parties and witness, and on this basis determines the finding of whether or not a policy violation occurred. The investigation team provides a rationale for its decision based on the preponderance of evidence and recommends sanctions and remedies if appropriate (See Sanctions/Remedies-Section III,

G). During these deliberations, the investigative team can consult with the Assistant Vice President for Equity, Diversity and Inclusion about precedent, parity, and sanctioning guidelines.

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will review any finding and recommended sanctions/remedies to assure equitable and remedial mandates have been met. Based on this review,

the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator can recommend changes, including additional corrective actions that should be taken in order to remedy the effects of a hostile environment for the reporting party, and implement remedies required for the broader campus community.

For student misconduct, the recommended finding and sanctions/remedies are then finalized by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. For faculty and staff members, the finding, recommended sanctions for a finding of **“in violation,”** and proposed remedies are provided to the hiring manager and appropriate administrator. In the case of a resolution to a Promotion and Tenure Committee allegation, the recipients of the finding and recommended sanctions include the Chairperson of the Promotion and Tenure Committee and the Provost and Vice President for Academic Affairs.

The parties are not required 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 (*see Privacy—Section VI*). The parties have discretion to share their own experiences if they so choose. It is recommended that the parties discuss disclosures with their advisors. Faculty and staff who are witnesses are expected to maintain privacy, subject to College consequences for failure to do so.

Once a finding has been made by the investigative team, the following will take place:

Finding of NOT In Violation:

If the investigative team finds the responding party not-responsible for a policy violation, the investigation will be closed and the parties will be notified simultaneously in writing. If the investigative team finds violations of other policies (for offenses outside the policy on Discrimination, Harassment, Sexual Misconduct and Retaliation) this information will be included in the notification letter.

- a. The parties will typically receive written notification of the outcome of the investigation within 1-2 business days of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator’s review. This written notification will inform the parties about the findings and rationale, when an outcome of this process is considered final, and will include information on the right to appeal and the procedures for doing so in accordance with the standards for appeal established by this policy.
- b. In some circumstances involving a finding of **“Not in violation,”** other forms of remedial, community-based responses, such as educational initiatives and/or trainings, may be instituted as deemed appropriate by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and/or the investigative team
- c. The reporting party may appeal the findings of the investigation (*see Appeals Process – Section IV*).

Finding of In Violation:

If the responding party is found responsible for a policy violation, the Assistant Vice President

for Equity, Diversity and Inclusion and Title IX/504 Coordinator will notify the reporting party and the responding party of the

findings in writing, without undue delay between notifications. If the investigative team finds violations of other policies (for offenses outside the policy on Discrimination, Harassment, Sexual Misconduct and Retaliation), this information will be included in the notification letter.

- a. The parties will receive written notification of the outcome of the investigation typically within 1-2 business days of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator's review. This written notification will inform the parties about the findings and rationale, when the outcome of this process is considered final, any changes that occur to the outcome prior to finalization, information on the right to appeal, and the procedures for doing so in accordance with the standards for appeal established by this policy. Sanctions are in effect immediately unless otherwise indicated by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.
- b. In some circumstances involving a finding of "**in violation**," other forms of remedial, community-based responses, such as educational initiatives and/or trainings, may be instituted as deemed appropriate by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and/or the investigative team.
- c. The reporting and/or responding party may appeal the outcome of the investigation (*see Appeals Process – Section IV*).

G. Sanctions/Remedies

The following may be considered by the investigative team as appropriate in making recommendations about sanctions when it is determined that the responding party has violated the *Discrimination, Harassment, Sexual Misconduct and Retaliation* policy:

- the nature of and the circumstances surrounding the violation including the use of force, incapacitation, and/or the presence of weapons,
- the impact of the conduct and level of disruption the conduct had on the reporting party's ability to participate in the educational program or workplace,
- the responding party's prior disciplinary record,
- precedent decisions,
- College safety concerns,
- the rights of both the reporting party and the responding party,
- the degree to which the responding party accepted responsibility for the prohibited conduct,
- any mitigating, aggravating or compelling factors, 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. Behavior found in violation of its policy is taken seriously. Those violations that have resulted in creating a hostile environment through emotional, physical, and sexual harm receive the most severe sanctions, including suspension or expulsion for students and termination for employees. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator reserves the right, however, to impose sanctions or other remedies aimed at mitigating the effects on the reporting party or campus community based on the facts of the case and circumstances of the

particular allegations.

Possible sanctions/remedies⁵ 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 at 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, barring participation in student organizations, official College programs, or College sponsored activities, 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 at 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, barring leadership or participation in domestic or international off-campus educational programs, canceling College related travel, denial of salary increase, suspension without pay or dismissal/termination of employment. Sanctions 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 at 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 at 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.
- **Promotion and Tenure 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 and/or trespassing from campus and termination of contractual arrangements.

⁵In compliance with Section 304 of the VAWA amendments (2013), possible sanctions by sexual misconduct violation are listed under the heading *Possible Sanctions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking Violations* at the end of this policy.

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 VII*).

The imposed sanctions/remedies will be implemented by the appropriate administrator. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will implement student related sanctions/remedies. The appropriate hiring manager will implement the recommended sanctions/remedies determined by this process for staff. When the responding party is a faculty member, the sanctions/remedies will be instituted through the responding party's department head and/or Provost and Vice President of Academic Affairs. Sanctions that include revoking tenure or termination of a tenured faculty member will be addressed through the Faculty Handbook under Terms and Conditions of Faculty Employment, Separation.

Unless otherwise determined by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, the sanctions/remedies will be in effect upon the responding party's receipt of the finding letter and finalized Investigative Report, and will remain in effect pending the outcome of any appeal. Both parties have the opportunity to appeal the finding and sanction. Remedies are not appealable. The appeal process is included in the next section.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with the assigned sanctions, responsive actions, and corrective actions within the timeframe specified by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. Failure to abide by the sanctions/actions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/actions, including suspension, expulsion, and/or termination from the College and may be noted in response to admission inquiries from other colleges and universities about disciplinary actions. A suspension will only be lifted when compliance is achieved to the satisfaction of the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

IV. APPEALS PROCESS

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

Disagreement with the finding or sanctions 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) 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 must be included in the written appeal; or
- **Disproportionate Sanction(s):** The sanctions imposed are substantially disproportionate to the severity of the violation(s). An explanation of why the sanction(s) are disproportionate to the severity of the violation must be included. Mere dislike or disagreement with the sanction(s) or the impact of the sanction(s) on the appealing party is not grounds for an appeal.

Either party may appeal the investigative team's decision regarding finding and/or recommended sanctions. The written appeal should be submitted to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator within five (5) business days following the receipt date of the investigation report and finding letter. The non-appealing party will receive notice of the appeal from the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and will have five (5) business days to submit a written response to the appeal to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. Where each party appeals, these appeal requests and responses will be exchanged accordingly. The parties will be notified in writing with the names of the individuals on the appeal committee and will have an opportunity to request substitutions for any individuals who pose a conflict of interest. In sexual misconduct cases where the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator has a conflict of interest with the appeal, a Deputy Title IX Coordinator will assume responsibility for the appeal.

Appeal Committee Selection

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will assemble at least three (3) individuals from the trained pool of faculty, staff, and academic administrators who serve as Deputy Title IX Coordinators, responsible administrators, investigators, and/or members of the Grievance Panel to form an appeals committee to review the case and appeal statements, and determine if the grounds for the appeal are substantiated. Every effort is made to identify and mitigate potential conflicts or bias in selecting members of the appeal committee. Each party has the opportunity to identify potential conflicts. The review of an appeal typically occurs within ten (10) business days of notification of a contested finding and/or sanction.

In the event that the responding and reporting parties differ in classification, the composition of the appeal committee will provide balanced representation for each party involved. For example, when the responding party is a student and the reporting party is a faculty member, the appeal committee will have a balanced number of appeal committee members from faculty or Academic Affairs and Student Affairs.

In addition, for faculty and staff, each appeal committee may include one of the following responsible administrators:

- If the responding party is a faculty member: the Associate Provost and Dean of College

Programs, or the Assistant Provost and 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 for Human Resources, or the Director of Human Resource Services.

If a discrimination allegation relates to a Promotion and Tenure Committee action, including, but not exclusive to retention and tenure decisions, the appeals committee will consist of two (2) members appointed by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and additionally supplemented by representation of three (3) of the ten (10) members of the Grievance Panel as defined in the Faculty Handbook. For Grievance Panel members to be eligible for selection as a member of the appeals committee in this process, they must have received eight (8) hours of related training on an annual basis. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will select these additional hearing panel members by lot from among the individuals who are eligible within the ten (10) Faculty Grievance Panelists. If a Grievance Panel representative identified by lot recuses themselves due to a conflict of interest or is recused for conflict of interest, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will again make a selection by lot until the appeals committee is fully constituted. In the event there are not enough trained Grievance Panel members, the remainder of the appeals committee will be made up of trained faculty investigators, Deputy Title IX Coordinators, and/or Academic Affairs Administrators.

Appeal

If the grounds for appeal are not substantiated, the appeal will be denied and the 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will take appropriate action as indicated below.

- **Procedural Error:** If the appeals committee determines that a procedural error occurred that was substantially prejudicial to the outcome of the investigation, they will return the allegation to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator with instructions to reconvene the investigative team in order to cure the error. In rare cases, where the procedural error cannot be cured by the investigative team (as in cases of bias), the appeals committee may order a new investigation with a new investigation team. The results of a reconvened investigation cannot be appealed. The results of a new investigation 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 investigative team to reconsider the allegation in light of the new information only. The findings of the investigative team based on consideration of the new information are not appealable.
- **Disproportionate Sanction(s):** If the appeals officers determine that the sanctions imposed are substantially disproportionate to the severity of the violation(s), the appeals committee may return the allegation to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator with instructions to review the sanctions in light of the appeals committee's recommendations and make the appropriate changes to the sanctions.

The appeal committee will typically render a decision within ten (10) business days after the receipt of the written appeal and response from the non-appealing party. The appeal decision and subsequent changes made by the investigative team are final, except when a new investigation has been recommended.

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 outcome was shared.

Following the appeal process, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will evaluate whether 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 III, D*).

V. STATEMENT OF THE RIGHTS OF THE PARTIES

All parties have a right to:

- A prompt and fair response to all reports of discrimination, harassment, sexual misconduct, and/or retaliation and equal dignity provided to all individuals who participate in the complaint resolution process;
- Receive information about the option to report to Campus Safety and/or local law enforcement and College support and assistance reporting (or not reporting) to local law enforcement and on-campus authorities;
- An investigation and appropriate resolution of all credible allegations of discrimination, harassment, sexual misconduct, and/or retaliation that are made in good faith through a fundamentally fair resolution process as defined in these procedures;
- Decisions that are based on information that is found to be credible, relevant, based in fact, and without prejudice;
- Have College policies and procedures followed without material deviation;
- Make decisions freely without pressure from a College official about whether or not to proceed formally or informally to resolve any reported misconduct involving violence, including sexual violence;
- Notification of available services both on campus and in the community that provide counseling, mental health, advocacy, medical healthcare, legal assistance, student financial aid, and visa and immigration assistance;
- A campus no contact order (or a no trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing, retaliatory or other improper behavior that presents a danger to the welfare of the parties;
- Notification of, options for, and available assistance in, changing academic and living situations after an alleged discrimination, harassment, sexual misconduct, and/or retaliation incident, if so requested by a party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Such measures may include:
 - Changing an on-campus housing assignment;

- 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;
 - Excused absences
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Course withdrawal; and
 - Alternative course completion options.
- Accommodations being maintained 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;
 - Be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
 - Be informed of the individuals who will be appointed to serve in the complaint resolution and appeals processes, identify conflicts of interest posed by the individuals determining the finding and/or sanctions, and request a substitution;
 - Provide the investigators a list of witnesses and corroborating information;
 - Receive 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);
 - To have investigators identify and question relevant witnesses, including expert witnesses and be afforded an opportunity to suggest questions to be asked of witnesses;
 - The opportunity to review and challenge all documentary evidence available in the report, subject to the privacy limitations imposed by state and federal law, prior to a finding by the investigation team;
 - To have irrelevant prior sexual history be excluded as evidence;
 - Regular updates on the status of the investigation and/or resolution, as appropriate;
 - Have individuals involved in the complaint resolution and appeals processes who have been appropriately trained and receive eight (8) hours of training on an annual basis;
 - 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;
 - Bring an advocate or advisor of the party's choosing to all phases of the investigation and resolution proceeding;
 - Prompt notice of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
 - Receive written notification of when a decision by the College is considered final and any changes to the sanction to occur before the decision is finalized;
 - The preservation of privacy by the College, to the extent possible and permitted by law;
 - Meetings and/or interviews that are closed to the public;
 - Receive advanced notification of any public release of information regarding the incident by the

- College;
- The right not to have any personally identifiable information released to the public by the College, without their consent, except as permitted or required by law.

VI. 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 procedures in this policy will respect the privacy of the individuals involved, to the extent reasonably possible and mandated by law. Absolute confidentiality may not be possible in all circumstances, including when the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator is required to disclose information in response to legal process or when the 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.

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. Faculty and staff involved in the investigation are expected to maintain privacy, subject to College consequences for failure to do so. For the parties, the College does not prevent the re-disclosure of information related to the outcome of the investigation or appeal. The parties have discretion to share their own experiences if they so choose. It is recommended that the parties discuss disclosures with their advisors.

VII. COORDINATION WITH LOCAL LAW ENFORCEMENT

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

The complaint resolution procedures outlined in this policy and the legal system work independently from one another and the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will implement these procedures regardless of action or inaction by outside authorities. While the College's resolution procedures are separate, the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator will make every effort to cooperate with active criminal investigations and may delay initiation of an investigation in order to allow law enforcement the opportunity to complete the evidence collection process without disruption. The College also cooperates with requests for records in response to subpoenas issued by law enforcement or the States Attorney's Office. The College will provide incident reports, witness statements, evidence gathered in an investigation, investigative reports, or other information that is included in the scope of the subpoena to the degree allowable by state and federal statutes. Decisions made or sanctions/remedies imposed through these complaint resolution procedures are not automatically 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.

VIII. ANONYMOUS REPORTS

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to resolve an anonymous report. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator may be unable to properly investigate or impose disciplinary action if a reporting party insists that their name not be revealed. Community remedies will be provided when possible to address anonymous reports.

IX. 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 they 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.

X. 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.

XI. RECORD RETENTION

Records of investigations and hearings are maintained by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator 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.

XII. 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 links:

Illinois Sex Offender Information: www.isp.state.il.us/sor/

North Central College Sex Offender Information: www.northcentralcollege.edu/content/registered-sex-offenders

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 or Campus Safety.

Definitions/Glossary of Terms and Examples

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

Formal Resolution Procedure and Parties to an Allegation of Policy Violation for Discrimination, Harassment, Sexual Misconduct, and/or Retaliation:

Advisors: The parties may each have any advisor of their choosing (as long as the individual is not a witness or otherwise a part of the investigation) to accompany them to all meetings involved in reporting and the complaint resolution process. The advisor may attend, but does not participate in meetings 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*).

Amnesty: Reporting parties and witnesses are encouraged to report misconduct and crimes. 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 violating the drug or alcohol policy at the time of the incident. It is in the best interest 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, reporting parties and witnesses are offered

amnesty from minor drug or alcohol policy violations related to the incident. While some policy violations cannot be completely overlooked, educational options will be provided, rather than discipline, to those who offer assistance to others in need. Amnesty may be granted on a case-by-case basis for other policy violations and will be evaluated by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

Appeals Committee: As part of the formal resolution of an allegation for student responding parties, an appeals committee 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.

Assistant Vice President for Equity, Diversity and Inclusion: The school official designated to oversee the Discrimination, Harassment, Sexual Misconduct and Retaliation. The Assistant Vice President for Equity, Diversity and Inclusion serves as the Title IX/504 Coordinator and responds to reports of discrimination, harassment, sexual misconduct and retaliation, oversees investigations and offers interim actions and responsive measures as well as academic and other accommodations and remedies to ameliorate the impact of a hostile environment on the basis of protected class. The Assistant Vice President for Equity, Diversity and Inclusion receives annual training.

Complaint and 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 Promotion and Tenure Committee action where the resolution process will always be the formal approach.

Campus Advocate: A College employee who serves as the confidential advisor to the reporting party. The Campus Advocate 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 Campus 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.

Deputy Title IX Coordinators: Staff and faculty who receive specialized training in Title IX and sexual and gender-based violence and harassment. Deputy Title IX Coordinators serve as part of the College's response to report and investigate incidents of sex or gender based discrimination, harassment, sexual misconduct or retaliation.

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 investigation and 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.

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, every effort will be made 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.

Hearing Panel: As part of the formal resolution of an allegation, a hearing panel will be charged with conducting a hearing to determine, based on a preponderance of the evidence, whether or not the responding party 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 through the process defined by this policy. Hearing panelists will receive training to support the conduct of their review of an allegation in an equitable, fair and impartial way that protects the safety of victims and promotes accountability. Panelists will be chosen to participate on a given panel on the basis of such considerations as diversity, balance, and the absence of conflict of interest. All hearing panelists annually receive special training on issues pertaining to discrimination, harassment, sexual misconduct, stalking, and intimate partner violence.

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 as a neutral fact-finder. An investigator synthesizes this information in 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 including trauma informed investigation techniques. Investigators serve on the investigation team tasked with reviewing all of the pertinent information making a determination about policy violations and recommending sanctions. 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. To meet legislative requirements, internal investigators receive annual training coordinated by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

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.

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 procedures in this policy will respect the privacy of the individuals involved, to the extent reasonably possible and mandated by law. Absolute confidentiality may not be possible in all circumstances, including when the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator is required to disclose information in response to legal process or when the 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.

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. Faculty and staff involved in the investigation are expected to maintain privacy, subject to College consequences for failure to do so. For the parties, the College does not prevent the re-disclosure of information related to the outcome of the investigation or appeal. The parties have discretion to share their own experiences if they so choose. It is recommended that the parties discuss disclosures with their advisors.

Process Advisor: A trained faculty or staff member who serves as a non-confidential resource for responding parties to provide support, technical assistance about the complaint resolution process, accompanies the responding party to any process-related meetings, and assists with obtaining reasonable accommodations or interim measures from the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator.

Reporting Party: The person who experiences an incident of discrimination, harassment, sexual misconduct and/or retaliation. 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.

Responsible Administrator: An administrator who is the College representative and who works with the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator to receive and/or manage allegations of discrimination, harassment, sexual misconduct and/or retaliation. The responsible administrator receives specialized training in conducting investigations and manages the investigation process by regularly communicating with the parties to provide updates and managing deadlines. A responsible administrator is obligated to act in accordance with this policy upon learning of a potential violation of this policy.

Responsible Employee: Is a College employee who has or is perceived to have the authority to take action or address observations or disclosures of discrimination, sexual assault, intimate partner violence (i.e. dating or domestic violence), stalking, sexual or gender-based harassment, and hate crimes, . Responsible Employees are required to report all observations or disclosures to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator within 24 hours. Employees not considered to be Responsible Employees are those who are afforded confidentiality as part of their professional role in the College such as professional or pastoral counselors, medical health professionals, and advocates.

Retaliation: Retaliation is defined as any materially adverse action taken against an individual because of their participation in a protected activity such as alleging harassment or discrimination, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment or discrimination. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying or ostracism. Retaliation is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination that is investigated, with violations resulting in additional sanctions. Acts of alleged retaliation should be reported immediately to the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator and will be promptly addressed. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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.

Terminology Defining Standard of Consent and Prohibited Conduct:

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Below are some examples/scenarios where 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 11:00 p.m. until 3:00 a.m., 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, religion, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability (including perceived disability), age, marital status, family responsibilities, sexual orientation, gender identity, gender expression, veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran), unfavorable military discharge (except dishonorable discharge) predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local,

state, or federal law, including protections for those opposing discrimination or participating in any resolution process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies in both employment and access to educational opportunities 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.

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g. "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

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. A hostile environment can also be created for third-parties who are exposed to the offensive conduct of others such as "locker room talk" that included homophobic slurs or sexist language if the actions are sufficiently severe or pervasive.

Students, faculty and staff 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>.

Discriminatory Harassment: Unwelcome actions on the basis of actual or perceived protected class status (protected classes are defined above). Harassment may be perpetrated in person, via third parties, electronic means, social media, or in print. 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 and would create a hostile living, work, or educational environment based on the severity, nature and frequency of the conduct. A single act may not typically constitute harassment unless it is severe. All harassment should be reported to the College,

and remedies will be afforded appropriately, under this policy.

Hate Crime: Also known as Bias Crime, is when an individual or group commits acts such as, but not limited to: murder or manslaughter, physical or sexual violence, harassment, threats or intimidation, damage/destruction/vandalism to property, theft, burglary, robbery, mob action, disorderly conduct, and/or arson based on their bias against another person's or group's perceived or actual race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability or other protected identity.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. A person violates this policy if they engage in sexual activity with someone they know to be, or should know to be, physically or mentally incapacitated.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g. to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Intoxication of the Responding Party: It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party. The question of whether the responding party should have known of the incapacity is an objective question about what a reasonable person, exercising sober, good judgment, would have known, in the same or similar circumstances.

Intimate Partner Violence (Dating and Domestic Violence): Encompasses a broad range of abusive behaviors 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 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, buttocks, 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.

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.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual misconduct under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
- Prostitution or prostituting another.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without their knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances (not including streaking, which may be disruptive conduct under the Code of Student Conduct), including unwelcome sexting.
- Viewing or disseminating child pornography, which includes pornographic images that are consensually sent by or to minors (i.e. sexting) or coercing minors to send pornographic images.

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.

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 hostile environment based on sex or gender 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 based on a protected class, 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 the extent it unreasonably affects 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. If the adult is in a position of authority or trust, the age of consent is raised to 18.

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.

Disability Discrimination Policy and Accommodation

The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Faculty and Staff with Disabilities:

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the Institution.

Faculty or staff members with a disability are responsible for submitting a request for an accommodation to Human Resources and providing necessary documentation. Human Resources will work with the faculty or staff member's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

Human Resources
Old Main, Suite 507

Phone: (630) 637-5757

Online Accommodation Request Form:

<https://cardinalnet.northcentralcollege.edu/employees/accommodation-requests>

Students with Disabilities:

The College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Disability/Access Services, who coordinates services for students with disabilities. The Director of Student Disability Services and reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

Director of Student Disability Services
Business and Entrepreneurship Building Rm 152
Phone: 630-637-5264

Fax: 630-637-5462

The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator has been designated as the 504 Coordinator responsible for responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability for students, faculty and staff. Grievances related to disability status and/or accommodations for faculty, staff, and students are addressed in the formal resolution procedures section of this policy.

Disabilities Accommodation in the Equity Resolution Process:

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the formal and facilitated resolution processes and options at the Institution. Anyone needing such accommodations or support should contact the Director of Student Disability Services or Human Resources for employees, who will review the request and, in consultation with the person requesting the accommodation and the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Policy Review and Updates

These policies and procedures will be reviewed and updated annually by the Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 Coordinator reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 Assistant Vice President for Equity, Diversity and Inclusion and Title IX/504 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 may 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 2019 fall semester and was implemented August 19, 2019.

Illinois Statutory Definitions

Criminal Sexual Assault, 720 ILCS 5/11-1.20(a)

A person commits criminal sexual assault if that person commits an act of sexual penetration and: (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of

age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to

the victim, and the victim is at least 13 years of age but under 18 years of age.

Sexual Penetration, 720 ILCS 5/11-0.1

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Consent, 720 ILCS 5/11-1.70

(a) "Consent" means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.

(c) A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

Aggravated Criminal Sexual Assault, 720 ILCS 5/11-1.30

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

(1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;

(2) the person causes bodily harm to the victim, except as provided in paragraph (10);

(3) the person acts in a manner that threatens or endangers the life of the victim or any other person;

(4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;

(5) the victim is 60 years of age or older;

(6) the victim is a physically handicapped person;

(7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;

(8) the person is armed with a firearm;

(9) the person personally discharges a firearm during the commission of the offense; or

(10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a severely or profoundly intellectually disabled person.

Predatory Criminal Sexual Assault of a Child, 720 ILCS 5/11-1.40(a)

A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and: (1) the victim is under 13 years of age; or (2) the victim is under 13 years of age and that person: (A) is armed with a firearm; (B) personally discharges a firearm during the commission of the offense; (C) causes great bodily harm to the victim that: (i) results in permanent disability; or (ii) is life threatening; or (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

Criminal Sexual Abuse, 720 ILCS 5/11-1.50

(a) A person commits criminal sexual abuse if that person: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

(b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.

(c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

Aggravated Criminal Sexual Abuse, 720 ILCS 5/11-1.60

(a) A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:

(1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;

(2) the person causes bodily harm to the victim;

(3) the victim is 60 years of age or older;

(4) the victim is a physically handicapped person;

(5) the person acts in a manner that threatens or endangers the life of the victim or any other person;

(6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or

(7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.

(b) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.

(c) A person commits aggravated criminal sexual abuse if:

(1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or

(2) that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.

(d) A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.

(e) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a severely or profoundly intellectually disabled person.

(f) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

Domestic Violence, 750 ILCS 60/103

Domestic violence means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

Physical abuse includes sexual abuse and means any of the following: (i) knowing or reckless use of physical force, confinement or restraint; (ii) knowing, repeated and unnecessary sleep deprivation; or (iii) knowing or reckless conduct which creates an immediate risk of physical harm.

Harassment means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress: (i) creating a disturbance at petitioner's place of employment or school; (ii) repeatedly telephoning petitioner's place of employment, home or residence; (iii) repeatedly following petitioner about in a public place or places; (iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows; (v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or (vi) threatening physical force, confinement or restraint on one or more occasions.

Intimidation of a dependent means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

Interference with personal liberty means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

Willful deprivation means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

Domestic Battery, 720 ILCS 5/12-3.2, 720 ILCS 5/12-0.1

(a) A person commits domestic battery if he or she knowingly without legal justification by any means: (1) causes bodily harm to any family or household member; (2) makes physical contact of an insulting or provoking nature with any family or household member.

"Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

Stalking, 720 ILCS 5/12-7.3

(a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.

(a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion: (1) follows that same person or places that same person under surveillance; and (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

For purposes of this Section:

(1) Course of conduct means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual

contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.

(2) Electronic communication means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.

(3) Emotional distress means significant mental suffering, anxiety or alarm.

(4) Family member means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.

(5) Follows another person means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

(6) Non-consensual contact means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(7) Places a person under surveillance means: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.

(8) Reasonable person means a person in the victim's situation.

(9) Transmits a threat means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions.

(1) This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(2) This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.

(3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

Aggravated Stalking, 720 ILCS 5/12-7.4

(a) A person commits aggravated stalking when he or she commits stalking and: (1) causes bodily harm to the victim; (2) confines or restrains the victim; or (3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.

(a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

(c) Exemptions.

(1) This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(2) This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.

(3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

Cyberstalking, 720 ILCS 5/12-7.5

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication

and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

- (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
- (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
- (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(c) For purposes of this Section:

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.

(7) "Third party" means any person other than the person violating these provisions and the person or

persons towards whom the violator's actions are directed.

(d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

Violence Against Women Act Amendment 304 Definitions

34 C.F.R. 668.46(a)

Sexual assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of this subpart.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

Domestic violence: (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) 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; or

(E) By any other person against an adult or youth alleged victim 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.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

Stalking: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition –

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows,

monitors, surveils, or threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

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 Act and ADA Amendments Act of 2008: 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.

In response to civil and Supreme Court rulings, Congress enacted the ADA Amendments Act of 2008 to provide clarity around the definition of a disability through operationalizing what impairments in major life activities must be present in order to determine the presence of a disability, the role of auxiliary aides in the analysis, the nondiscriminatory treatment for those regarded as having an impairment and transitory or minor impairments not subject to accommodations.

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.

Section 504 of 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. 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.

Section 304 of the Violence Against Women Reauthorization Act (VAWA): Addresses reporting, policy, and procedural requirements for sexual assault, stalking, dating violence and domestic violence. The amendments expand annual crime reporting to include to include dating and domestic violence and stalking, in addition to the pre-existing requirements for sexual assault. 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.

Possible Sanctions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking Violations

Sexual Assault:

An oral warning; a written warning; a letter of reprimand; mandatory attendance at an educational program on discrimination, harassment, sexual misconduct, and/or retaliation; mandatory referral for psychological or chemical dependency assessment and compliance with any resulting treatment plan;

change in room assignment; barring participation in student organizations, official College programs, or College-sponsored activities; no contact order; no trespass order; probation; suspension or expulsion from residence halls and/or from non-academic campus activities; suspension or expulsion from the College; restriction of responsibilities; reassignment or transfer to another department; barring leadership or participation in domestic or international off-campus educational programs; canceling College-related travel; denial of salary increase; suspension without pay; final written warning or dismissal/termination of employment; up to and including removal from campus and termination of contractual agreements

Dating Violence:

An oral warning; a written warning; a letter of reprimand; mandatory attendance at an educational program on discrimination, harassment, sexual misconduct, and/or retaliation; mandatory referral for psychological or chemical dependency assessment and compliance with any resulting treatment plan; change in room assignment; barring participation in student organizations, official College programs, or College-sponsored activities; no contact order; no trespass order; probation; suspension or expulsion from residence halls and/or from non-academic campus activities; suspension or expulsion from the College; restriction of responsibilities; reassignment or transfer to another department; barring leadership or participation in domestic or international off-campus educational programs; canceling College-related travel; denial of salary increase; suspension without pay; final written warning or dismissal/termination of employment; up to and including removal from campus and termination of contractual agreements

Domestic Violence:

An oral warning; a written warning; a letter of reprimand; mandatory attendance at an educational program on discrimination, harassment, sexual misconduct, and/or retaliation; mandatory referral for psychological or chemical dependency assessment and compliance with any resulting treatment plan; change in room assignment; barring participation in student organizations, official College programs, or College-sponsored activities; no contact order; no trespass order; probation; suspension or expulsion from residence halls and/or from non-academic campus activities; suspension or expulsion from the College; restriction of responsibilities; reassignment or transfer to another department; barring leadership or participation in domestic or international off-campus educational programs; canceling College-related travel; denial of salary increase; suspension without pay; final written warning or dismissal/termination of employment; up to and including removal from campus and termination of contractual agreements

Stalking:

An oral warning; a written warning; a letter of reprimand; mandatory attendance at an educational program on discrimination, harassment, sexual misconduct, and/or retaliation; mandatory referral for psychological or chemical dependency assessment and compliance with any resulting treatment plan; change in room assignment; barring participation in student organizations, official College programs, or College-sponsored activities; no contact order; no trespass order; probation; suspension or expulsion from residence halls and/or from non-academic campus activities; suspension or expulsion from the College; restriction of responsibilities; reassignment or transfer to another department; barring leadership or participation in domestic or international off-campus educational programs; canceling College-related travel; denial of salary increase; suspension without pay; final written warning or

dismissal/termination of employment; up to and including removal from campus and termination of contractual agreements

Related Policies

These related policies can be found on Cardinalnet under Human Resources. Select HR Knowledge Base and the link HR Policies and Procedures.

- I. **CONSENSUAL RELATIONSHIPS:** https://nchr.groovehq.com/knowledge_base/topics/consensual-relationships-policy?from_search=true
- II. **PREGNANT AND PARENTING STUDENTS:**
https://nchr.groovehq.com/knowledge_base/topics/pregnant-and-parenting-students
- III. **SERVICE AND EMOTIONAL SUPPORT ANIMALS:**
https://nchr.groovehq.com/knowledge_base/topics/service-and-assistance-animal-policy?from_search=true

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