



**NORTH CENTRAL
COLLEGE 1861**

Responsible College Official: Assistant Vice President of Equity, Diversity and Inclusion
Responsible Offices: Office of Academic Affairs;
Office of Student Affairs
Policy Implementation Date: August 14, 2020

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, ethnicity, national origin (including ancestry), color, citizenship status, sex, sexual orientation, gender identity, gender expression, pregnancy (and parenting for students), religion, creed, physical or mental disability (including perceived disability), age, marital status, 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 local, state and federal civil rights laws and regulations, the College will not tolerate acts of discrimination, harassment, sexual misconduct and/or retaliation as such behavior seriously undermines the College’s effectiveness as an educational institution and a workplace and values of equity, diversity, and inclusion. This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the College community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person’s actual or perceived membership in the protected classes listed above is in violation of the College’s policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the Title IX and civil rights grievance process described below.

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 mandated reporters¹ and have the responsibility to report disclosures or observations of sexual misconduct or other forms of discriminatory harassment to the Assistant Vice

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

President for Equity, Diversity and Inclusion.² 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 an employee (who is not exempted from this reporting requirement as defined above) to make a 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 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.

Assistant Vice President for Equity, Diversity and Inclusion

The Assistant Vice President for Equity, Diversity and Inclusion has primary responsibility for enforcement of this policy, specifically for coordinating efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, sexual misconduct and/or retaliation prohibited under this policy.

Dr. Rebecca Gordon
Assistant Vice President for Equity, Diversity and Inclusion
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

² All references to titles of employees include anyone to whom that individual designates the role or function (i.e.: "or designee")

Fax: (312) 869-8220

Contact: <http://www.eeoc.gov/contact/>

Illinois Human Rights Commission

<https://www2.illinois.gov/sites/ihrcc/pages/default.aspx>

Illinois Department of Human Rights

Chicago Office

100 W. Randolph Street, 10th Floor

Intake Unit

Chicago, IL 60601

(312) 814-6200

(866) 740-3953 (TTY)

<http://www.illinois.gov/dhr>

For definitions of the terms and terminology used throughout this policy, please refer to the Definitions/Glossary of Terms in Appendix A 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 non-discrimination 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 Review and Updates

These policies and procedures will be reviewed and updated annually by the Assistant Vice President for Equity, Diversity and Inclusion. The Assistant Vice President for Equity, Diversity and Inclusion 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 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 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 2020 fall semester and was implemented August 14, 2020.

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 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 Respondent may present a danger or threat to the health or safety of self or others;
- 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 Respondent is unknown or is not a member of the College community, the Assistant Vice President for Equity, Diversity and Inclusion will assist the Complainant 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 Complainant 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 Respondent is enrolled in or works at another Institution, Assistant Vice President for Equity, Diversity and Inclusion can assist the Complainant 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 may be able to advocate for a student or employee Complainant who experiences discrimination in an internship, 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 Complainant. Further, even when the Respondent is a not a member of the Institution's community, supportive measures and resources can be accessed by contacting the Assistant Vice President for Equity, Diversity and Inclusion.

Policy Scope

The core purpose of this nondiscrimination 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 harassment, sexual assault, stalking, sexual exploitation, or dating/domestic violence (i.e. intimate partner violence). When violation of this nondiscrimination policy is reported, the allegations are subject to either the College's Title IX or civil rights grievance procedures. The College's civil rights grievance procedures include non-Title IX sexual misconduct, which are detailed in sections IV, V, VI and Appendix C.

When the Respondent is a member of the College's community, this policy is applicable regardless of the status of Complainant, who may or may not be a member of the College's community. This community includes, but is not limited to, students,³ 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.

Policy on Disability Accommodation and Nondiscrimination

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 College, 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.

The Assistant Vice President for Equity, Diversity and Inclusion has been designated as the College's 504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the civil rights procedures outlined below. The party may request disability accommodations during the interview by contacting the investigators or the Assistant Vice President for Equity, Diversity and Inclusion.

A. Students with Disabilities

³ 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.

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

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Mindy Diaz, Director of Student Disability Services, who coordinates services for students with disabilities. Mindy Diaz can be contacted by phone at (630) 637 5264 or via email at mcDiaz1515@noctrl.edu.

The Director of Student Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

B. Employees 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 College.

An employee with a disability is responsible for submitting a request for an accommodation to Human Resources and providing necessary documentation. Human Resources will work with the employee'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.

Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College policy, though supportive measures will be offered to those impacted.

Discriminatory harassment constitutes a form of discrimination that is prohibited by College policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively 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 or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the Respondent through application of the civil rights grievance process (for non-Title IX related violations) outlined in Appendix C or through other applicable College policies and processes. The College also reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status through other applicable policies or other informal resolution measures such as respectful conversation, remedial actions, education, and/or restorative resolution processes.

For assistance with Informal or Facilitated Resolution options and other informal resolution techniques and approaches, employees should contact the Assistant Vice President for Equity, Diversity and Inclusion.

Policy on Sexual Harassment (Title IX)

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and Illinois State Law regards Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Included in OCR's definition of sexual harassment are the Clery/VAWA Sec. 304 offenses of sexual assault, dating violence, domestic violence and stalking. OCR has limited its Title IX jurisdiction and required grievance procedures to conduct that occurs in an educational program or activity controlled by the College, conduct committed within the United States, and conduct between parties who participate or are attempting to participate in the College's educational program or activity.

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, that fall within Title IX's jurisdictional limitations and is defined as: Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
 - a. an employee of the College,
 - b. conditions the provision of an aid, benefit, or service of the College,
 - c. on an individual's participation in unwelcome sexual conduct; and/or

- 2) Sexual Harassment:
 - a. unwelcome conduct,

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 Colleges Investigative Guidance](#).

- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the College's education program or activity.⁵

3) Sexual assault, defined as:

- a) Sex Offenses, Forcible:
 - i) Any sexual act directed against another person,
 - ii) without the consent of the Complainant,
 - iii) including instances in which the Complainant is incapable of giving consent.⁶
- b) Forcible Rape:
 - i) Penetration,
 - ii) no matter how slight,
 - iii) of the vagina or anus with any body part or object, or
 - iv) oral penetration by a sex organ of another person,
 - v) without the consent of the Complainant.
- c) Forcible Sodomy:
 - i) Oral or anal sexual intercourse with another person,
 - ii) forcibly,
 - iii) and/or against that person's will (non-consensually), or
 - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age⁷ or because of temporary or permanent mental or physical incapacity.
- d) Sexual Assault with an Object:
 - i) The use of an object or instrument to penetrate,
 - ii) however slightly,
 - iii) the genital or anal opening of the body of another person,
 - iv) forcibly,
 - v) and/or against that person's will (non-consensually),
 - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e) Forcible Fondling:

⁵ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁶ This definition set is not taken from SRS/NIBRS verbatim. Complainant is substituted for "victim," the language has been made gender neutral, "private body parts" is defined, unlawfully" was removed, and clarifying language was inserted that the College interprets "against the person's will" to mean "non-consensually."

⁷ Per state law.

- i) The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii) for the purpose of sexual gratification,
 - iii) forcibly,
 - iv) and/or against that person's will (non-consensually),
 - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - f) Sex Offenses, Non-forcible:
 - i) Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by Illinois State law.
 - ii) Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent is 16 years of age.
- 4) Dating Violence, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i) The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition—
- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Illinois or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i) would cause a reasonable person to fear for the person’s safety, or
 - ii) the safety of others; or
 - iii) Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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, or interferes with a person’s property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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 offense under this policy. A listing of the range of sanctions per policy violation is listed in Appendix D.

Force, Coercion, Consent, and Incapacitation⁸

As used in the offenses above, the following definitions and understandings apply:

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 (Appendix F).

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 is:

⁸ The state definition of consent is the State of Illinois, which is applicable to criminal prosecutions for sex offenses in Illinois but may differ from the definition used on campus to address policy violations. Consent 720 ILCS 5/11-1.70 is included in Appendix E for Clery/VAWA Sec. 304 compliance purposes.

- knowing, and
- 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.

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.

Consent in relationships must also be considered in context. When parties consent to BDSM⁹ 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.

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. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

⁹ Bondage, discipline/dominance, submission/sadism, and masochism.

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.

Other Civil Rights and Non-Title IX Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

The College also prohibits sexual harassment and sexual misconduct not covered by under Title IX’s jurisdictional limits or definitions.

- 1) Sexual Exploitation, defined as: taking 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 harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed);
 - b. Invasion of sexual privacy;
 - c. 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.
- 2) Prostituting another person;
- 3) 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;
- 4) Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;

- 5) Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- 6) Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- 7) Knowingly soliciting a minor for sexual activity;
- 8) Engaging in sex trafficking;
- 9) Creation, possession, or dissemination of child pornography;
- 10) Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- 11) Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- 12) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- 13) 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, joining, or any other group-affiliation activity (as defined further in the Hazing Policy contained in the Student Handbook);
- 14) Bullying, defined as:
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - d. That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense (e.g. Hate Acts) when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

Online Harassment and Misconduct

The policies of the College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited above, when those behaviors occur in or have an effect on the College education program and activities or use College networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

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 Title IX and 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 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. The Assistant Vice President for Equity, Diversity and Inclusion manages the Title IX Compliance Committee and investigative teams and hearing and appeals panelists, and acts with independence and authority free from bias and conflicts of interest. The members of the investigative team and hearing and appeals panelists are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. All employees involved in the grievance process are asked to immediately identify potential conflicts. Similarly, concerns of bias, a potential conflict of interest, misconduct, or discrimination by any other members implementing the grievance process should be reported to the Assistant Vice President for Equity, Diversity and Inclusion.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Assistant Vice President for Equity, Diversity and Inclusion manages, contact:

- Dr. Abiodun Goke-Pariola, the Provost and Vice President for Academic Affairs (Old Main 538, agokepariola@noctrl.edu, (630) 637-5354)
- Vice President for Student Affairs and Strategic Initiatives (Old Main 504, (630) 637-5153)
- Dr. Troy Hammond, College President (Old Main 424, president@noctrl.edu, (630) 637-5454)

If circumstances require, the Provost and Vice President for Academic Affairs, the Vice President of Student Affairs and Strategic Initiatives, the College President, or the Assistant Vice President for Equity, Diversity and Inclusion may designate another person to oversee the grievance process, should an allegation of conflict be made about the Assistant Vice President for Equity, Diversity and Inclusion or the Assistant Vice President for Equity, Diversity and Inclusion be otherwise unavailable or unable to fulfill their duties.

Contacts for this Policy

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

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 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.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. 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 the Bias Incident Response Team, and to provide a coordinated response to their concerns.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Assistant Vice President for Equity, Diversity and Inclusion (and/or police, if desired by the Complainant), who will take action when an incident is reported to them. The Assistant Vice President for Equity, Diversity and Inclusion can 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 are considered to be private and information is only shared to the extent necessary to provide supportive measures, referrals, and/or respond to a formal complaint.

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 discrimination, harassment, sexual misconduct and/or retaliation of which they become aware or suspect, 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 directly via phone or email.

At the request of a Complainant, notice may be given by a Mandated Reporter to the Assistant Vice President for Equity, Diversity and Inclusion anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves. If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Assistant Vice President for Equity, Diversity and Inclusion on that assessment without revealing personally identifiable information.

Anonymous notice will be addressed or investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. The Mandated Reporter will be asked to provide the Complainant information about options, supportive measures, and resources.

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, unless the Complainant 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. 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.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

The following sections describe the reporting options at the College for a Complainant or third-party (including parents/guardians when appropriate):

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. 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. Notice: Reporting 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

Reports can be made regarding allegations of discrimination, harassment, sexual misconduct, and/or retaliation to the Assistant Vice President for Equity, Diversity and Inclusion in person, by phone, through the online reporting form, and via email.

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 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, 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 discrimination, harassment, sexual misconduct, retaliation, other conduct referenced in this policy, the Assistant Vice President for Equity, Diversity and Inclusion assists individuals with 1) understanding the available options; 2) implementing supportive measures such as changing offices or housing assignments, issuing College No Contact or Trespass Orders, or issuing interim suspensions; 3) obtaining academic assistance, which could include flexible deadlines, excused absences, support of academically related petitions, or retroactive withdrawal from classes; 4) overseeing informal options, facilitated resolution processes, and formal complaint procedures; and 5) referrals to resources. A written summary of rights, options, and resources will be sent via email following the receipt of a report. Supportive measures and academic assistance are available regardless of whether or not a Complainant files a complaint with local law enforcement or the College.

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. Whether reported directly or by a third-party, the Assistant Vice President for Equity, Diversity and Inclusion 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 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, supportive measures and remedies may be offered to the Complainant 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 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 determines that an investigation must be pursued, the Complainant 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 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/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 email at tsifri@noctrl.edu or by phone at (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 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 and Inclusion 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.

Campus Officials with Authority:

The following campus officials can assist with reporting and referrals to the Assistant Vice President for Equity, Diversity and Inclusion.

Deputy Title IX Coordinators:

- Dr. 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:

- Dorothy Pleas, Assistant Dean of Students and Director of Multicultural Affairs (Old Main, 30 N Brainard, Room 525, djpleas@noctrl.edu, (630) 637- 5156)
- Steve Weaver, Assistant Dean of Students (Old Main, 30 N Brainard, Suite 501, sgweaver@noctrl.edu, (630) 637-5152)
- Andrew Zobac, Director of Residence Life (New Hall, 451 Brainard, Room 37, awzobac@noctrl.edu, (630) 637 5861)

Campus Safety:

- Campus Safety: Officer on Call (630) 637-5911, 24-hours
- Ashley Klco, Director of Campus Safety (630) 637-5912, M-F: 8:00 a.m. - 4:30 p.m.

President and Cabinet Members:

- Dr. Troy Hammond, College President (Old Main 424, president@noctrl.edu, (630) 637-5454)
- Dr. Abiodun Goke-Pariola, the Provost and Vice President for Academic Affairs (Old Main 538, agokepariola@noctrl.edu, (630) 637-5354)
- Vice President for Student Affairs and Strategic Initiatives (Old Main 504, (630) 637-5153)
- Martin Sauer, Vice President for Enrollment Management and Athletics (Old Main, mrsauer@noctrl.edu, (630) 637 5801)

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 Complainant, 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.

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 and preserve the privacy of the individuals involved, to the extent reasonably possible and mandated by law.¹⁰ The College will not share the identity of any individual

¹⁰ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of the College's employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 25. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written

who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Absolute confidentiality may not be possible in all circumstances, including when the Assistant Vice President for Equity, Diversity and Inclusion is required to disclose information in response to legal proceedings 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 College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA). As such, only a small group of officials who need to know will typically be told about the complaint, including but not limited to: The Office of Equity, Diversity and Inclusion, Division of Student Affairs, Campus Safety, Behavioral Intervention Team, and/or Bias Incident Reporting Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

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 in order for those disclosures not to adversely impact the other party.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Assistant Vice President for Equity, Diversity and Inclusion. However, if the Respondent 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 or impossible.

Acting on notice/complaints 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

consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

and Inclusion, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place typically at the time of notice/complaint.

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).

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Assistant Vice President for Equity, Diversity and Inclusion, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Assistant Vice President for Equity, Diversity and Inclusion has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Assistant Vice President for Equity, Diversity and Inclusion may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Assistant Vice President for Equity, Diversity and Inclusion's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Assistant Vice President for Equity, Diversity and Inclusion must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Assistant Vice President for Equity, Diversity and Inclusion executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the

Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College and to have the incidents investigated and properly resolved through these procedures.

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

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 stepwise 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 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.
- 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/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. SUPPORTIVE AND INTERIM MEASURES

Prompt reporting of discrimination, harassment, sexual misconduct and/or retaliation as defined in this policy is strongly encouraged, as it facilitates the College's ability to deploy the most effective response to stop and mitigate the impact of the discriminatory conduct, provide supportive measures, and expedite a resolution of an allegation. The Assistant Vice President for Equity, Diversity and Inclusion 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 to respond may be limited if the Respondent is no longer a member of the North Central College community or if the report is received anonymously. 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 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 formal 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. Formal complaints must be made in writing and signed by the Complainant or the Assistant Vice President for Equity, Diversity and Inclusion.

A. Supportive Measures

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation. Such accommodations and/or protective measures are made available upon request by the Complainant regardless of whether the victim chooses to report the crime to campus police or local law enforcement or files a formal complaint with the College.

The Assistant Vice President for Equity, Diversity and Inclusion promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the Assistant Vice President for Equity, Diversity and Inclusion will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Assistant Vice President for Equity, Diversity and Inclusion works with the

Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Assistant Vice President for Equity, Diversity and Inclusion will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to campus advocacy, counseling, medical, and/or other healthcare services
- Referral to Perspectives, the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, excused absences, remote access, negotiating incompletes, or other course/program-related adjustments
- College No Trespass Orders
- College No Contact Orders
- Timely warnings
- Class schedule modifications or withdrawals
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Assistant Vice President for Equity, Diversity and Inclusion

Violations of no contact orders will be referred to appropriate student, faculty, or staff processes for enforcement.

B. Emergency Removal

The College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Assistant Vice President for Equity, Diversity and Inclusion in conjunction the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures. The recommendations are made to the appropriate Vice President and/or College President.

In all cases in which an emergency removal is imposed, the student, faculty, or staff will be given notice of the action and the option to request to meet with the Assistant Vice President for Equity, Diversity and

Inclusion prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three days, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Assistant Vice President for Equity, Diversity and Inclusion determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Assistant Vice President for Equity, Diversity and Inclusion for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

Upon the conclusion of this meeting, the Assistant Vice President for Equity, Diversity and Inclusion will consult with the appropriate Vice President and potentially legal counsel to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Assistant Vice President for Equity, Diversity and Inclusion, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's, faculty or staff members access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an (paid or unpaid) administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Assistant Vice President for Equity, Diversity and Inclusion, alternative coursework options or remote instruction may be pursued to ensure as minimal an academic impact as possible on the parties.

C. Additional Individual and Community Remedies:

Imposing sanctions on the Respondent 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 Complainant 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.

Amnesty for Complainant and Witnesses

Complainants, third-party reporters, and witnesses are encouraged to report misconduct and crimes. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

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.

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). Campus Security Authorities include: student affairs/student conduct staff, [campus law enforcement/public safety/security], local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. Campus Security Authorities are required to report the following:

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA¹¹-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

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 Complainant will be notified by the Assistant Vice President for Equity, Diversity and Inclusion that a report has been received. The Assistant Vice President for Equity, Diversity and Inclusion and/or responsible administrator will offer to meet with the Complainant 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.

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).

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

¹¹ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

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 will be promptly addressed. The Assistant Vice President for Equity, Diversity and Inclusion 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.

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 may be subject to discipline under College policy.

IV. COLLEGE RESPONSE TO NOTICE AND/OR COMPLAINTS

Overview of Response Options for Complainants

In addition to supportive measures, the College offers options for Complainants who provide notice or file a complaint with the Assistant Vice President for Equity, Diversity and Inclusion. Complainants can pursue informal options, grievance procedures, or facilitated resolution process (described in section VII). These options will be described in this section.

A. Informal Actions

When a Complainant believes that they have been subjected to behaviors that would be prohibited under 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 before a hostile environment is created. While in many cases informal actions can be taken that will effectively stop the behavior or actions; informal actions are never required to resolve a concern. If the attempts made by the Complainant do not stop the misconduct, or if the Complainant does not feel that they can confront the individual engaging in

the conduct or needs help in the process, then the Assistant Vice President for Equity, Diversity and Inclusion can assist in identifying the appropriate College Authority to address the issue. Examples of informal action include:

- Providing feedback about the impact of the behavior on the Complainant through Dean of Students, Department Chair, Dean, Human Resources or Vice President;
- The Respondent accepts responsibility for violating the policy and desires to accept a sanction; or
- The matter is resolved through the provision of supportive measures to remedy the situation.

It is not necessary to pursue Informal Actions first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Actions, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College. The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Actions before proceeding and will not pressure the parties to participate in Informal Actions.

For allegations of discrimination involving the Promotion and Tenure Committee, the first and last options would not apply. Resolution of complaints made against the Promotion and Tenure Committee would require a grievance process in order to determine if actions and/or decisions were discriminatory in nature.

B. Filing a Formal Complaint

A formal complaint requires a document filed/signed by the Complainant or signed by the Assistant Vice President for Equity, Diversity and Inclusion alleging a policy violation by a Respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the Assistant Vice President for Equity, Diversity and Inclusion in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Assistant Vice President for Equity, Diversity and Inclusion will contact the Complainant to ensure that it is filed correctly.

This policy contains the grievance procedure the Department of Education’s Office of Civil Rights, Department of Education requires in response to Title IX and qualifying VAWA offenses under Title IX (i.e. sexual assault, dating violence, domestic violence and stalking) and the grievance procedures for Civil Rights and non-Title IX sexual misconduct grievance. Formal complaints may include violations of other policies. Determinations may be made concurrently about those associated policy violations through the formal complaint and the grievance procedures outlined in this policy.

Notice/Complaint

Upon receipt of a complaint or notice to the Assistant Vice President for Equity, Diversity and Inclusion of an alleged violation of the Policy, College initiates a prompt initial assessment to determine the next steps the College needs to take.

The College will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Promptness

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Assistant Vice President for Equity, Diversity and Inclusion¹² engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Assistant Vice President for Equity, Diversity and Inclusion seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Assistant Vice President for Equity, Diversity and Inclusion determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Assistant Vice President for Equity, Diversity and Inclusion assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Assistant Vice President for Equity, Diversity and Inclusion reaches out to the Complainant to offer supportive measures.

¹² If circumstances require, the President or Assistant Vice President for Equity, Diversity and Inclusion will designate another person to oversee the process below should an allegation be made about the Assistant Vice President or the Assistant Vice President be otherwise unavailable or unable to fulfill their duties.

- The Assistant Vice President for Equity, Diversity and Inclusion works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Assistant Vice President for Equity, Diversity and Inclusion works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Assistant Vice President for Equity, Diversity and Inclusion works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Assistant Vice President for Equity, Diversity and Inclusion assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Assistant Vice President for Equity, Diversity and Inclusion determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Assistant Vice President for Equity, Diversity and Inclusion will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
 - If it does not, the Assistant Vice President for Equity, Diversity and Inclusion determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which College policies may apply, and refers the matter for resolution under the Civil Rights and Non-Title IX grievance procedures or to the appropriate College processes. Please note that dismissing a complaint under Title IX is just procedural and does not limit the College’s authority to address a complaint with an appropriate process and remedies.

Violence Risk Assessment

In many cases, the Assistant Vice President for Equity, Diversity and Inclusion may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Assistant Vice President for Equity, Diversity and Inclusion should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;

- Whether to impose transcript notation or communicate with a transfer College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT) team members. A VRA authorized by the Assistant Vice President for Equity, Diversity and Inclusion should occur in collaboration with the BIT or threat assessment team. Where a VRA is required by the Assistant Vice President for Equity, Diversity and Inclusion, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

Dismissal (Mandatory and Discretionary)¹³

The Assistant Vice President for Equity, Diversity and Inclusion must engage in a review process of formal complaints to evaluate if a formal complaint fits within the parameters for Title IX as established by the Department of Education’s Office for Civil Rights. A formal complaint or any allegations therein must be dismissed if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as required by the Department of Education’s Office of Civil Rights and defined in the Policy hereinabove, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Assistant Vice President for Equity, Diversity and Inclusion in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the College; or

¹³ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Discrimination, harassment, sexual misconduct, and retaliation policy violations that are dismissed as not qualifying as Title IX violations still can still be pursued under this policy through the civil rights/sexual misconduct grievance process, which includes an investigation as outlined below, a determination of findings and sanctions by the investigative team (See Appendix C), and appeals process described below.

Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims 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. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

C. Right to an Advisor

The parties may each have an Advisor¹⁴ of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁵

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

¹⁴ This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally).

¹⁵ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

The College may permit parties to have more than one Advisor upon special request to the Assistant Vice President for Equity, Diversity and Inclusion. The decision to grant this request is at the sole discretion of the Assistant Vice President for Equity, Diversity and Inclusion and will be granted equitably to all parties.

Who Can Serve as an Advisor?

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.

The Assistant Vice President for Equity, Diversity and Inclusion will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisors in Hearings/College-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the College will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

Advisor's Role

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 the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Assistant Vice President for Equity, Diversity and Inclusion will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Assistant Vice President for Equity, Diversity and Inclusion or provide similar documentation demonstrating consent to a release of information to the Advisor before College is able to share records with an Advisor.

If a party requests that all communication be made solely through their attorney Advisor, the College will not comply with that request.

Privacy of Records Shared with Advisor

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 College. College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days 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 are expected to provide timely notice to the Assistant Vice President for Equity, Diversity and Inclusion if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Assistant Vice President for Equity, Diversity and Inclusion of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resources for Securing an External Advisor

For representation, Respondents 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>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>]

D. Formal Grievance Process

Rights of the Parties (See Appendix B)

Notice of Investigation and Allegations

The Assistant Vice President for Equity, Diversity and Inclusion will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the College's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the College's Sexual Misconduct or Civil Rights Resource Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Assistant Vice President for Equity, Diversity and Inclusion any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Assistant Vice President for Equity, Diversity and Inclusion, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Assistant Vice President for Equity, Diversity and Inclusion appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Assistant Vice President for Equity, Diversity and Inclusion, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Assistant Vice President for Equity, Diversity and Inclusion will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Assistant Vice President for Equity, Diversity and Inclusion will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Assistant Vice President for Equity, Diversity and Inclusion, concerns should be raised with:

- Dr. Abiodun Goke-Pariola, the Provost and Vice President for Academic Affairs (Old Main 538, agokepariola@noctrl.edu, (630) 637-5354)
- Vice President for Student Affairs and Strategic Initiatives (Old Main 504, (630) 637-5153)
- Dr. Troy Hammond, College President (Old Main 424, president@noctrl.edu, (630) 637-5454)

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof of preponderance of the evidence.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation if circumstances require. Such circumstances include but are not limited to: a request from law enforcement or States Attorney to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its

investigation and resolution process as soon as feasible. During such a delay, College will implement supportive measures as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. While the College's resolution procedures are separate, the Assistant Vice President for Equity, Diversity and Inclusion 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 Respondent.

In certain instances, North Central College may need to report conduct to law enforcement authorities even when the Complainant 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 Complainant and the campus community or other situations in which there is clear and imminent danger or when a minor is involved.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Assistant Vice President for Equity, Diversity and Inclusion), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all the specific policies implicated
- Assist the Assistant Vice President for Equity, Diversity and Inclusion with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary

- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- For Title IX grievance procedures, the Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report. For Civil Rights and non-Title IX sexual misconduct, the Investigator(s) along with other members of the investigative team make determinations, engage in policy analysis, make determinations of findings and recommend sanctions.

- The Investigator(s) shares the report with the Assistant Vice President for Equity, Diversity and Inclusion and/or legal counsel for their review and feedback
- The Investigator(s) will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy. For Title IX grievance proceedings the final report is provided at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report. For Civil Rights complaints and non-Title IX related sexual misconduct, the final report is provided to the parties to review and have the opportunity to appeal the finding or sanction on limited grounds outlined in the Appeals section below.

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the College’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Any information from witnesses who participate in the investigation but do not submit to cross examination in the live hearing required by Title IX, will not be considered unless it can be independently corroborated.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

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

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

E. Grievance Pool Membership

The Assistant Vice President for Equity, Diversity and Inclusion, in consultation with the Provost, Vice President for Student Affairs and President, appoints the Pool, which acts with independence and impartiality. The members of the Pool are trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases.

Grievance Pool Member Training

The Pool members start with intensive training about Title IX and how to conduct Civil Rights investigations. After their initial training, the pool members receive annual training. This training includes, but is not limited to:

- The scope of the College’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

The pool members also receive specific training for serving on the appeals committee and the hearing panel. As the role of Hearing Chairs is fairly new, this function may be contracted out externally until the College can build appropriate capacity in this area. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool will be publicly posted on the Title IX website.

Pool Membership

The Pool includes faculty and staff and appointed Deputy Title IX Coordinators. Faculty receive major service credit for evaluation, tenure, or promotion.

F. Investigative Team Approach and Decision Making for Civil Rights and non-Title IX Sexual Misconduct Allegations (See Appendix C)

V. REFERRAL FOR HEARING FOR TITLE IX ALLEGATIONS

Provided that the complaint is not resolved through Informal Resolution and the allegations fall under the jurisdiction of Title IX, the Assistant Vice President for Equity, Diversity and Inclusion will refer the matter for a hearing once the final investigation report is shared with the parties.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Assistant Vice President for Equity, Diversity and Inclusion will select an appropriate group of between three and five (3-5) hearing panelists to serve as Decision-makers from the Pool depending on whether the Respondent is faculty, staff or student to serve on the hearing panel. An internal or external hearing chair will be identified at the discretion of the Assistant Vice President for Equity, Diversity and Inclusion.

Hearing Decision-maker Composition

The Decision-maker(s) will not have had any previous involvement with the investigation. The Assistant Vice President for Equity, Diversity and Inclusion may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Assistant Vice President for Equity, Diversity and Inclusion may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the College uses a progressive

discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the hearing panelists render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Assistant Vice President for Equity, Diversity and Inclusion or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Assistant Vice President for Equity, Diversity and Inclusion at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Assistant Vice President for Equity, Diversity and Inclusion at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Assistant Vice President for Equity, Diversity and Inclusion if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.¹⁶
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

¹⁶ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

- An invitation to contact the Assistant Vice President for Equity, Diversity and Inclusion to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- A statement that parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Assistant Vice President for Equity, Diversity and Inclusion or the Hearing Chair at least five (5) business days prior to the hearing.

The Assistant Vice President for Equity, Diversity and Inclusion or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Assistant Vice President for Equity, Diversity and Inclusion or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Assistant Vice President for Equity, Diversity and Inclusion, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Assistant Vice President for Equity, Diversity and Inclusion as soon as possible and no later than three (3) days prior to the hearing. Decision-makers will only be removed if the Assistant Vice President for Equity, Diversity and Inclusion concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Assistant Vice President for Equity, Diversity and Inclusion will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Assistant Vice President for Equity, Diversity and Inclusion as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Assistant Vice President for Equity, Diversity and Inclusion, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives

when an organization is the Respondent¹⁷), Advisors to the parties, any called witnesses, the Assistant Vice President for Equity, Diversity and Inclusion, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Assistant Vice President for Equity, Diversity and Inclusion may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Assistant Vice President for Equity, Diversity and Inclusion will review and decide the challenge.

The Chair and/or hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Assistant Vice President for Equity, Diversity and Inclusion. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility,

¹⁷ Subject to the College's Code of Organizational Conduct.

recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Assistant Vice President for Equity, Diversity and Inclusion, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Cross-Examination and Inferences

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not

asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a College-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Assistant Vice President for Equity, Diversity and Inclusion. No person will be given or be allowed to make a copy of the recording without permission of the Assistant Vice President for Equity, Diversity and Inclusion.

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by Student Affairs, Academic Affairs, Human Resources, and/or the Assistant Vice President for Equity, Diversity and Inclusion. The Decision-maker(s) will consult with the Provost or appropriate Vice President and Human Resources to make the appropriate sanction(s) recommendations.

The Chair will then prepare a written deliberation statement and deliver it to the Assistant Vice President for Equity, Diversity and Inclusion, detailing the determination, rationale, the evidence used in support of its determination of findings, the evidence disregarded, credibility assessments, and any recommended

sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Assistant Vice President for Equity, Diversity and Inclusion within two (2) business days of the end of deliberations, unless the Assistant Vice President for Equity, Diversity and Inclusion grants an extension. If an extension is granted, the Assistant Vice President for Equity, Diversity and Inclusion will notify the parties.

VI. NOTICE OF OUTCOME AND APPEALS PROCESS

Notice of Outcome

Using the deliberation statement, the Assistant Vice President for Equity, Diversity and Inclusion will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Assistant Vice President for Equity, Diversity and Inclusion will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Appeal 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 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 will have five (5) business days to submit a written response to the appeal to the Assistant Vice President for Equity, Diversity and Inclusion. 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 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 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 Respondent and Complainant differ in classification, the composition of the appeal committee will provide balanced representation for each party involved. For example, when the Respondent is a student and the Complainant 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 trained administrators:

- If the Respondent is a faculty member: A Dean or the Assistant Provost and Director of the Office of Institutional Effectiveness and Planning.
- If the Respondent 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 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 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 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, 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 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 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 will evaluate whether there are additional remedies required for the Complainant or the community to eliminate a hostile environment and prevent its recurrence (*see Supportive Measures-Section III, A*).

VII. SANCTIONS

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions:

The following are the usual sanctions that may be imposed upon students.

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.

- *Required Counseling:* A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Mentoring:* The student must meet weekly with an assigned mentor, often for a specific number of weeks. A student is required to complete any mentoring-related homework that is assigned by the mentor.
- *Campus Engagement:* The student may be assigned a specific number of "campus involvement" hours in order to help the student get better connected to positive campus activities and people. Campus Engagement can include attending any number of College sponsored activities, including speakers, student organization meetings, workshops, concerts, etc.(with the exception of athletic events). Typically, a student is able to choose what Campus Engagement activities they will attend although particular activities may be required.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Reprimand:* The student will receive a formal notice of reprimand for violation of the Statement of Student Conduct or a College Policy. A copy of this notice will be placed in the student's permanent disciplinary record. The notice of reprimand is intended to communicate to a student that further violation of the Statement of Student Conduct or College policies will not be tolerated.
- *Future Behavior Clause:* Disciplinary steps are outlined in the event the student is found in violation of a future College policy or Statement of Student Conduct.
- *Restitution:* The student may be required to make financial or other types of restitution when found in violation of a College policy or the Statement of Student Conduct.
- *Required Education or Training:* The student must participate in required education or training and provide proof of completion of the program, which may include a reflection paper or other means to demonstrate mastery of the material.
- *Campus Access Limitation:* A student may be on campus for classes only. While on campus a student may enter only the buildings where they have assigned classes. A student may not enter residence halls or any other campus buildings. Should a student need to be on campus to conduct official College business, they must receive approval from the Office of Student Affairs in advance.
- *Residence Hall Removal:* A student's Room and Board Agreement is terminated permanently or for a designated period of time. Until such a time as a student is again eligible to live in a residence hall, they are typically prohibited from entering any residence hall for any reason. Should a student need to enter a residence hall to conduct official College business, they must receive approval from the Office of Student Affairs in advance. If a student violates this order the College may contact the Naperville Police Department in order to pursue a charge of criminal trespassing.
- *College No Contact Order:* The student is required to have no contact with a specific student, faculty, or staff member.
- *College No Trespass Order:* The student is banned from certain areas of the College or the entire campus.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.

- *Withholding Diploma*: The College may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. Admissions will be notified they cannot be readmitted. Such exclusion applies to all programs of the College. They may also be barred from College property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the College unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College will continue to address and remedy any systemic issues or concerns 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 College or any campus of the College, and the records retained by the Assistant Vice President for Equity, Diversity and Inclusion will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

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

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. 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.

VIII. 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. Internal or external facilitators are used who are trained in the specific facilitated resolution modality. Facilitated resolution options vary in how advisors are involved. For restorative resolution processes, support people are included in the process. For 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 determines whether negotiated or 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 Respondent has indicated responsibility for harm, genuine contrition, and a willingness to participate in the process.

Facilitated resolution options are voluntary and can be terminated by either party at any point in the process. The Assistant Vice President for Equity, Diversity and Inclusion 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 grievance procedure. Facilitated resolution options can be used in lieu of (although a formal complaint still must be filed as is required by Section 106.30, per OCR) or following formal grievance 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 maintains the records of the agreements that are reached through the facilitated resolutions processes.

Negotiated Resolution

The Assistant Vice President for Equity, Diversity and Inclusion, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

Restorative Resolution Conferences and Circles

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 Respondent 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.

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 for additional options.

IX. RECORD RETENTION

Records of investigations and hearings are maintained by the Assistant Vice President for Equity, Diversity and Inclusion for a minimum of ten (10) years as indicated below.

Students: If the Respondent is a student, the records will be maintained for a minimum of ten (10) years past the student's graduation, or, if the student leaves the College before graduation, for a minimum of ten (10) 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 Respondent 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 Respondent is a group, the records will be maintained for a minimum of ten (10) years past the conclusion of the investigation and any hearing.

X. 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.

Appendix A

Definitions/Glossary of Terms and Examples

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Civil Rights and non-Title IX Sexual Misconduct Grievance Procedures* is based on civil rights processes in which evidentiary materials are collected by two investigators, the parties have the opportunity to review all of the evidence used to make a determination before a determination is made, the parties have the opportunity to pose questions to the other parties and witnesses, and a team of four (4) trained faculty and staff (which includes the investigators) make a determination of policy violation and sanctions by a preponderance of evidence standard (See Appendix C)
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Assistant Vice President for Equity, Diversity and Inclusion alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when the College is in normal operation.
- *Education program or activity* means locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- *Final Determination*: A conclusion by the preponderance of evidence standard of proof that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: A conclusion by the standard of proof of the preponderance of evidence that the conduct did or did not occur as alleged.
- *Title IX Grievance Procedure* is a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the College's Formal Grievance process.
- *Investigator* means the person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Assistant Vice President for Equity, Diversity and Inclusion.¹⁸
- *Notice* means that an employee, student, or third-party informs the Assistant Vice President for Equity, Diversity and Inclusion or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *College* means a postsecondary education program that is a College of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.
- *Title IX Grievance Procedure* means the Formal Grievance Process as defined by the Department of Education's Office for Civil Rights detailed below and defined above.

Some examples of possible sexual harassment include:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do

¹⁸ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.

- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking

- Students A and B were friends with benefits. Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Assistant Vice President for Equity, Diversity and Inclusion, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.
- 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 it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor'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 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. If I can't have you, no one will."

Examples of Sexual Assault:

- 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. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never 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.
- Jiang is a junior. 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, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, 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.
- 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 apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he 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 came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

Appendix B

Rights of the Parties

- When a student or employee reports to the College that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on- or off-campus, the College will provide the student or employee with a written explanation of the student's or employee's rights and options. If the report is submitted online, links to rights, options, and resources will be provided within 12 hours in an email acknowledging receipt of the report.
- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other College officials.

- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a College No Trespass Order against a non-College affiliated party, when that person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from College staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the decision-maker.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Assistant Vice President for Equity, Diversity and Inclusions, and Decision-maker(s) who have received at least eight hours of relevant annual training.
- The right to a Title IX Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the College compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

Appendix C

Investigative Team Approach for Civil Rights and non-Title IX Sexual Misconduct

A team investigative approach is taken for those alleged policy violations that do not fall under Title IX. Those alleged policy violations include but are not limited to:

- Discriminatory harassment on the basis of protected class other than sex, sexual orientation, gender identity, and/or gender expression,
- Discriminatory harassment on the basis of sex, gender identity, and/or gender expression that occurred off-campus,
- Sexual misconduct that occurs off-campus, and/or
- Sexual misconduct that a non-community member, and/or
- Conduct that was policy violation that was engaged in on the basis of perceived or actual protected class such as hate acts

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.

Determination of Finding

The four-person 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. 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 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 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. 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 consultation with Human Resources. 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.

As outlined in the Privacy section, 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. The Complainant and Respondent have discretion to share their own experiences if they so choose. It is recommended that the Complainant and Respondent discuss disclosures with their advisors so as to not inadvertently create an adverse impact for the other party at the College. 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 Respondent **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’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/or the investigative team.

Finding of In Violation:

If the Respondent is found responsible for a policy violation, the Assistant Vice President for Equity, Diversity and Inclusion will notify the Complainant and the Respondent of the findings 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 receive written notification of the outcome of the investigation typically within

one to two (1-2) days of the Assistant Vice President for Equity, Diversity and Inclusion'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.

- 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/or the investigative team.
- c. Either or both the Complainant and the Respondent can appeal the determination of findings on the basis that is outline in the Appeals section of the document.

Appendix D

Potential Sanctions for Policy Violations

Sexual Assault:

An oral warning, a written warning, required counseling, mentoring, campus engagement, probation, reprimand, future behavior clause, restitution, required education or training, campus access limitation, residence hall removal, College no contact order, College no trespass order, suspension, withholding diploma, expulsion, other actions, performance improvement/management process, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination

Dating Violence:

An oral warning, a written warning, required counseling, mentoring, campus engagement, probation, reprimand, future behavior clause, restitution, required education or training, campus access limitation, residence hall removal, College no contact order, College no trespass order, suspension, withholding diploma, expulsion, other actions, performance improvement/management process, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination

Domestic Violence:

An oral warning, a written warning, required counseling, mentoring, campus engagement, probation, reprimand, future behavior clause, restitution, required education or training, campus access limitation, residence hall removal, College no contact order, College no trespass order, suspension, withholding diploma, expulsion, other actions, performance improvement/management process, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination

Stalking:

An oral warning, a written warning, required counseling, mentoring, campus engagement, probation, reprimand, future behavior clause, restitution, required education or training, campus access limitation, residence hall removal, College no contact order, College no trespass order, suspension, withholding diploma, expulsion, other actions, performance improvement/management process, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination

Appendix E

Illinois State Law and Informing Legislation

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.

Illinois Human Rights Act (775 ILCS 5/1-101)

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Elementary, Secondary, and Higher Education. To prevent sexual harassment in employment and sexual harassment in elementary, secondary, and higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education, and discrimination based on citizenship status in employment.

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.

Appendix F

Related Policies

These related policies can be found on the Title IX website (Title IX and Related Policies), Title IX HUB, and under Human Resources.

I. CONSENSUAL RELATIONSHIPS:

<https://www.northcentralcollege.edu/sites/default/files/documents/2020-03/20-3-18-consensual-relationships-policy.pdf>

II. PREGNANT AND PARENTING STUDENTS:

[https://www.northcentralcollege.edu/sites/default/files/documents/2020-03/20%203.23%20Pregnant and Parenting Students Policy.pdf](https://www.northcentralcollege.edu/sites/default/files/documents/2020-03/20%203.23%20Pregnant%20and%20Parenting%20Students%20Policy.pdf)

III. SERVICE ANIMALS: <https://www.northcentralcollege.edu/sites/default/files/documents/2020-03/service-animal-policy-19-20.pdf>

IV. EMOTIONAL SUPPORT ANIMALS:

<https://www.northcentralcollege.edu/sites/default/files/documents/2020-03/emotional-support-animal-policy-19-20.pdf>

Appendix G

History/Revision Dates

Origination Date: June 1, 2006

Last Amended Date: August 14, 2020

Endorsed by Board of Trustees: May 17, 2014

Review Frequency: Annually

Citation: ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL

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