

Sexual Misconduct Resource Guide



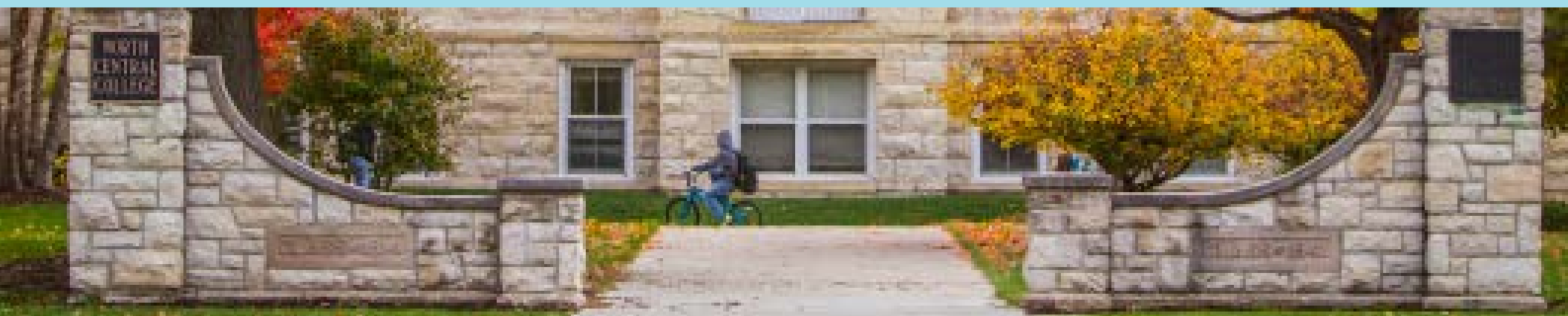


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To access the full Discrimination, Harassment, Sexual Misconduct and Retaliation policy and complaint procedures, please visit:

<https://www.northcentralcollege.edu/TitleIX>



Policy

North Central College is committed to maintaining a positive learning, working, social and residential environment. 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 that values equity, diversity, and inclusion.



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.

The Assistant Vice President for Equity, Diversity and Inclusion serves as the Title IX Coordinator and 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.

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All employees are considered to be mandated reporters and have the responsibility to report disclosures or observations of sexual misconduct or other forms of discriminatory harassment to the Assistant Vice President for Equity, Diversity and Inclusion.

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
- employees who are otherwise prohibited by law from disclosing information received in the course of providing professional care and treatment

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



Getting Help

The following are suggested options after experiencing sexual misconduct. These options are not listed in a stepwise order so some options may be pursued and not others.

Call 911

If you are in immediate danger, call **911** for assistance from local law enforcement.

Call Campus Safety or Law Enforcement

If you are on campus and have continued safety concerns contact:

- **Campus Safety** at 630-637-5911
- **Naperville Police Non-Emergency** at 630-420-6666 (to make a police report)
- **Area Hall Director On Call** at 630-816-5298 (for students living in campus housing)

Call a Friend

Contact a friend, family member or support person, tell them what happened and have them come to your location.

Evidence Preservation

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.

- If possible, secure the room or location where the assault occurred without disturbing anything.
- 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.

Seek Medical Attention

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.

Dyson Wellness Center (DWC)

455 S. Brainard Street
2nd floor of the Benedetti-Wehrli Stadium
630-637-5550

The DWC also offers confidential medical consultations, referrals, pregnancy testing and low-cost STI testing.

Campus Safety

New Hall, 451 S. Brainard Street
630-637-5911

Campus Safety can provide (non-emergency) 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 local medical providers.

Edward Hospital Emergency Room (open 24 hours)

801 S. Washington Street, Naperville, IL
630-527-3000 (Main Switch Board)

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.

Confidential Resources

These individuals will not report any information to others without a release of information. They provide support as well as an overview of options, resources, and referrals.

On-Campus Confidential Resources:

Dyson Wellness Center

2nd floor of the Benedetti-Wehrli Stadium

The professional counselors provide free, short-term, confidential counseling, and referrals.

Call to make an appointment: 630-637-5550



Campus Advocate (Students, Faculty & Staff)

Tatiana Sifri, Director of Dyson Wellness Center
630-637-5550, normal business hours

- Provides technical assistance and an overview of the on- and off-campus options available.
- Helps with confidential reporting to the College, the Assistant Vice President of Equity, Diversity, and Inclusion and/or law enforcement.
- Serves as an advisor of choice and may attend all meetings that are part of on- and off-campus processes.

EAP Perspectives (Faculty & Staff)

Offers free counseling, consultation, and referrals.

Scan the QR code for instructions on downloading the EAP Spark App.



Off-Campus Confidential Resources:

YWCA Metropolitan Chicago:

Patterson and McDaniel Family Center

Sexual violence and support services:

Call: 630-790-6600

Rape Crisis Hotline (24/7): 630-971-3927

www.ywcachicago.org

Metropolitan Family Service:

Healing from Domestic Abuse

Support for women and children as well as shelter services:

Call: 630-469-5650

www.familyshelterservice.org

Mutual Ground

Domestic violence and sexual assault services

Domestic Violence Hotline: 630-897-0080

Sexual Assault Hotline: 630-897-8383

www.mutualground.org

DuPage County Health Department:

Behavioral Health Services

For mental health and substance abuse services:

Intake Appointment: 630-682-7400

Crisis Services (24/7): 630-627-1700

www.dupagehealth.org

*For full listing of confidential resources, visit the Title IX website:

<https://www.northcentralcollege.edu/title-ix-confidential-resources>

Rights of the Parties*

Both parties have the right to receive information about their options as well as resources:

- Select an advisor of choice or have the College provide an advisor
- Assistance obtaining medical or mental health resources
- Assistance with reporting to the police (with no requirement to do so)
- Information about:
 - Visa/ Immigration assistance
 - Legal assistance
 - Supportive and interim measures
 - Filing a formal complaint
 - Academic accommodations

During the formal resolution process, the parties have the right to:

- A prompt, fair, and impartial investigation
- Have trained staff and faculty involved in the process
- Written information about the prohibition of retaliation for anyone involved in the process
- Suggest questions to be asked of the other party and witnesses
- Written notice of alleged policy violations and investigation
- Identify any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest
- Present witnesses and other corroborating information
- Review all materials that will be used to make a determination before the decision is rendered
- Receive written Notice of Outcome letter of the finding/ sanction(s)
- The opportunity to appeal the finding(s) and sanction(s) of the resolution process

*For a full listing of rights, visit the policy:
<https://www.northcentralcollege.edu/TitleIX>

Advisors

The parties may each have an advisor of their choice present with them for all meetings and interviews within the resolution process. Advisors may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them who is available and eligible.

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.

During hearings, Advisors are responsible for conducting live cross examinations of the parties and witnesses.

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.

It is recommended that Advisors request a pre-interview meeting 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.



Reporting Options

The College supports reporting to law enforcement, but also acknowledges that some individuals may not want to report their experiences with sexual misconduct or bias-related incidents to law enforcement. Individuals can receive assistance in reporting to law enforcement through the Campus Advocate or Campus Safety.

Campus Safety (24/7)

Lower level New Hall, 451 S. Brainard
630-637-5911
For the Area Hall Director: 630-816-5298

Naperville Police Department (24/7)

1350 Aurora Ave, Naperville, IL
Emergency: 911
Non-Emergency: 630-420-6666

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

Dr. Rebecca Gordon

524 Old Main, 30 N. Brainard Street
630-637-5340
rgordon@noctrl.edu

What does the Title IX Coordinator do?

- Respond to reports and complaints
- Implement protective safety measures
- Support academic success through accommodations
- Oversees formal Title IX and Non-title IX Sexual Misconduct grievance processes and investigations

Confidential Reporting

Tatiana Sifri, Campus Advocate
Dyson Wellness Center - 2nd floor Benedetti-Wehrli Stadium
630-637-550, normal business hours

The Campus Advocate is available to assist with reporting to the College, the Assistant Vice President for Equity, Diversity, and Inclusion, campus safety, and/or law enforcement.

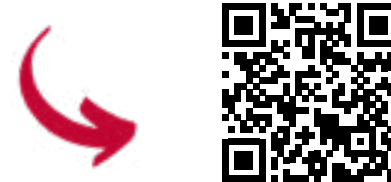
Anonymous Reporting

Fill out the online reporting without your name or contact the Campus Conduct Hotline at 866-943-5787.

Online Reporting

Reports can also be made by individuals or third parties/bystanders through the Sexual Misconduct Online Reporting Form, which can be found at: titleIXreport.northcentralcollege.edu

Scan the QR code to go directly to the online reporting form:



Amnesty for Complainant and Witnesses

To encourage reporting, the College pursues a policy of offering parties and witnesses amnesty from minor drug or alcohol policy violations related to the incident.

Campus Options

Supportive and Interim Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties.

The Assistant Vice President for Equity, Diversity and Inclusion promptly makes supportive measures available to the parties upon receiving notice or a complaint.

Supportive measures include, but are not limited to:

- Academic support, extensions of deadlines, excused absences, remote access, negotiating incompletes, or other course/program-related adjustments
- Referral to campus advocacy, counseling, medical, and/or other healthcare services
- Altering campus housing assignment(s) and/or work arrangements
- Providing campus safety escorts
- Providing transportation accommodations
- College No Contact Order (an order that an individual refrain from direct/indirect contact with another person[s])
- College No Trespass Order (restrictions on access to campus or areas of campus)

Informal Actions

It is important for the College to have the opportunity to stop the behaviors that are being experienced before a hostile environment is created. In many cases, informal actions can effectively stop the behavior or actions.

Informal actions include but are not limited to:

- 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
- The matter is resolved through the provision of supportive measures to remedy the situation

Filing a Formal Complaint

Any member of the College community who wishes to file a formal complaint 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.

Under no circumstances is an impacted individual required to report to the person who is the alleged reason for the allegation.

Restorative Resolution Conferences

A Restorative Resolution Conference uses structured dialogue between a harmed party and the party who caused harm in order to identify actions that can be taken to repair harm and rebuild trust for the harmed party and community.



Formal Grievance Processes

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

As mandated by the 2020 Title IX regulations, 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 evidence.

Title IX Formal Grievance Process

To pursue the Title IX formal grievance process, the following parameters must be met:

1. The alleged conduct in the formal complaint constitutes sexual harassment as defined by the 2020 Title IX regulations
2. The conduct occurred in an educational program or activity controlled by the College
3. The College has jurisdiction over the Respondent and Complainant
4. The conduct occurred in the United States
5. The Complainant is participating in or attempting to participate in the educational program or activity of the College

Civil Rights and Non-Title IX Formal Grievance Process

Any complaint of sexual misconduct that does not fall within the scope of Title IX can be pursued through the non-Title IX sexual misconduct process. This includes sexual harassment that is severe or pervasive.

Other qualifiers for non-Title IX processes 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 that occurred off-campus

- Sexual misconduct that occurs off-campus between members of the College community
- Sexual misconduct by a College community member with an individual not affiliated with the College

Steps in the Title IX Formal Grievance Process:

Step 1: Submit a written complaint signed by the Complainant or the Assistant Vice President for Equity, Diversity and Inclusion (AVP of EDI) upon request

Step 2: Title IX jurisdiction of complaint is evaluated by the AVP of EDI

Step 3: Complaints not under Title IX's jurisdiction are dismissed and can be pursued through the Non-Title IX Grievance Process (see next page)

Step 4: The co-investigators are identified and a formal Notice of Investigation and Allegation (NOIA) letter is sent to the parties

Step 5: An investigation of the complaint in which parties and witnesses are interviewed and evidence is obtained

Step 6: The parties review the investigative report before a determination is made and have the opportunity to suggest additional questions or witnesses to be interviewed

Step 7: Notice of Hearing sent to the parties, witnesses, and investigators no less than 10 days prior to hearing

Step 8: A Notice of Outcome with credibility analysis, rationale, and sanctions (for findings of in-violation) is sent to the parties with information about the appeals process

*Testimony from any parties or witnesses who do not participate in the live hearing and submit to cross examination will not be considered by the hearing panelists in making a determination about policy violations.

Steps in the Non-Title IX Formal Grievance Process:

Step 1: Submit a formal complaint to the Assistant Vice President for Equity, Diversity and Inclusion

Step 2: The complaint has been dismissed as not falling under Title IX and determined to be appropriate for the Non-Title IX Grievance Process

Step 3: Investigative team of four members is identified and a NOIA letter is sent to the parties

Step 4: Investigation of complaint in which parties and witnesses are interviewed and evidence obtained

Step 5: The parties review the investigative report before a determination is made and have the opportunity to suggest additional questions or witnesses to be interviewed

Step 6: The Investigative team makes a determination of findings and specifies appropriate sanctions and remedies for findings of in-violation

Step 7: A Notice of Outcome with credibility analysis, rationale, and sanctions (for findings of in-violation) is sent to the parties with information about the appeals process

Sanctions

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.

The following are examples of possible sanctions:

Student Sanctions:

- Warning
- Required counseling
- Mentoring
- Reprimand
- Residence Hall Removal
- College No Contact Order
- College No Trespass Order
- Suspension
- Withholding Diploma
- Expulsion

Employee Sanctions:

- Warning – Verbal or Written
- Performance Improvement/ Management Process
- Required Counseling
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Suspension with or without pay
- Demotion or Termination

For a complete list, visit:

<https://www.northcentralcollege.edu/TitleIX>

Appeals

An appeal is not intended to be a new investigation. Either party may appeal the investigative team's decision regarding finding and/or recommended sanctions.

The ONLY grounds upon which an appeal may be made are:

- Procedural Error
- New Information
- Disproportionate Sanction(s)



Definitions

Consent

Knowing, voluntary, and clear permission by word or action to engage in specific sexual activity.

Coercion

Unreasonable pressure for sexual activity. When someone makes it 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.

Retaliation

Any materially adverse action taken against an individual because of their participation in a protected activity such as alleging harassment or discrimination, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment or discrimination. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism.

Sexual Assault

Any contact or penetration, no matter how slight, with any object or body part that is done without the consent of all involved parties.



Title IX Sexual Harassment

Unwelcome conduct, of a sexual nature, that is determined to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs, activities, or employment.



Title IX Sexual Misconduct

Includes sexual harassment that is sexual assault, dating and domestic violence and stalking that occurs on-campus or during a College sponsored or controlled program or event. Title IX only addresses sexual misconduct between two members of the campus community.

Non-Title IX Sexual Misconduct

Includes sexual harassment that is *severe or pervasive*. Also included is sexual assault, dating and domestic violence, stalking, and sexual exploitation that occurs off-campus between or committed by members of the campus community.