

Sexual Discrimination, Harassment and Misconduct Policy



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Sexual Discrimination, Harassment and Misconduct Policy

I. STATEMENT OF PURPOSE

Members of the Moraine Valley Community College (“college”) community, guests and visitors have the right to be free from all forms of sexual discrimination, harassment and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The college believes in zero tolerance for sexual discrimination. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator’s attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The college’s sexual discrimination, harassment and misconduct policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

This policy applies to complaints involving students, employees, and third parties. This policy applies to behaviors that occur on college premises, at college-sponsored activities, and offcampus when those behaviors materially and substantially interfere with the college’s operational and educational programs or the safety and welfare of the college community.

Examples may include, but are not limited to:

- A student who coerces his/her girlfriend who is also a student into having sex;
- A faculty member who gives a passing grade to a student in return for sexual favors;
- A student who writes sexually harassing material in an assignment directed towards his/her teacher;
- A staff member who assaults his/her partner who is also a staff member;
- A women-only student club that denies membership to male students;
- A visiting student athlete from another college who rapes a Moraine Valley student;
- A teacher who fails a student who missed class due to child birth;
- A parent of a student who is sexually harassed by a staff member;
- A staff member sends sexually harassing emails to coworkers;
- A teacher who tells explicit, sexually harassing jokes to his/her students;
- A department chair who regularly asks his/her supervisee about her sexual experiences;

- A student who exposes him/herself while watching pornography in the library or lounge;
or
- A staff member who stalks his/her ex-partner who is now a student.

A. Applicable Laws

The college does not discriminate on the basis of sex in its educational programs and employment policies in conformance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Illinois Preventing Sexual Violence in Higher Education Act, and relevant sections of the Illinois Human Rights Act. This policy complies with the requirements of the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* and the *Violence Against Women Act*, which mandate procedures to address sexual violence.

II. ADMINISTRATION

A. Title IX Coordinator

The college's Title IX coordinator oversees compliance with all aspects of the sexual discrimination, harassment and misconduct policy. The college has designated the dean of Student Success as the Title IX coordinator. Questions about this policy should be directed to the Title IX coordinator. Anyone (including third parties) wishing to make a report relating to sex/gender-based discrimination or harassment may do so by reporting the concern to the Title IX coordinator:

Dr. Jo Ann Jenkins

Dean of Student Success

Phone: (708) 974-5277

Office Location: Building G, Room G253 Email: jenkinsj52@morainevalley.edu

Responsibilities of the Title IX coordinator include:

- Promoting an institutional environment that is free of gender bias and sexual discrimination.
- Participating in the development, implementation and evaluation of the college's Title IX policies and procedures.
- Monitoring and evaluating the college's Title IX compliance efforts.
- Providing in-service training to the college community, including students, faculty and staff, on Title IX policies and procedures.
- Overseeing the college's response to all Title IX complaints and identifying and addressing any patterns or systemic problems revealed by such complaints. A Title IX complaint includes complaints alleging sexual discrimination, sexual harassment and/or sexual misconduct (as those terms are defined herein) which involve a college student as the victim and/or complainant or as the respondent.
- Meeting with students, employees and third parties as needed.

- Conducting Title IX investigations or designating other officials to conduct Title IX investigations, including investigating facts relative to a complaint and recommending appropriate sanctions against the perpetrator and remedies for the complaint.
 - o With respect to Title IX complaints that relate to a college employee as the victim and/or complainant or as the respondent, the Title IX coordinator will partner with the Department of Human Resources which will manage the investigation into the allegations and which will recommend appropriate sanctions against the employee if applicable and founded.
- Ensuring that appropriate interim measures for a victim and/or complainant upon learning of a report or complaint of sexual violence.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.

Inquiries concerning the application of Title IX may be referred to the Title IX coordinator or to the United States Department of Education or United States Department of Justice:

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
 Facsimile: (312) 730-1576
 TDD#: (800) 877-8339
 Email: OCR.Chicago@ed.gov
 Web: ed.gov/ocr

U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W.
 Educational Opportunities Section, PHB Washington, D.C.
 20530
 Email: education@usdoj.gov
 Telephone: (202) 514-4092 or 1-877-292-3804 (toll-free) Facsimile: (202) 514-8337

In the event that an incident involves alleged misconduct by the Title IX coordinator, reports should be made directly to the vice president of Student Development, Dr. Normah Salleh Barone, at (708) 974-5209, Building D, D201, salleh-barone@morainevalley.edu.

B. Human Resources Office

The Human Resources Office will partner with the Title IX coordinator with respect to any Title IX complaints which involve a college employee as the victim and/or complainant or as the respondent.

The Human Resources Office will oversee the college's response to all complaints of sexual discrimination, harassment and/or misconduct which solely involve employees and/or third parties.

III. DEFINITIONS

- A. Awareness programming** is institutional action designed to communicate the prevalence of sexual violence, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.
- B. Bystander intervention** is the act of challenging the social norms that support, condone, or permit sexual discrimination, harassment and/or misconduct. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. They must then decide if they are comfortable stepping in and offering assistance.
- C. Coercion** is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, 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.
NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- D. A confidential advisor** is a person who is employed or contracted by the college to provide emergency and ongoing support to student survivors of sexual violence. Confidential advisors receive 40 hours of training on sexual violence before being designated as confidential advisors, and thereafter receive a minimum of six hours of annual training on issues related to sexual violence. Confidential advisors also receive periodic training on the college administrative process, interim protective measures and accommodations, and complaint resolution procedures. Refer to Section V(A) below for contact information for the designated MVCC confidential advisor(s). Individuals designated as "responsible employees" in Section V(B), below, are not confidential advisors.

E. Consent:

- Consent is
 - clear, and
 - knowing, and
 - voluntary,
 - words or actions,
 - that give permission to engage in mutually agreed upon sexual activity.
- Consent is active, not passive.
- A person's manner of dress does not constitute consent.
- Consent cannot be inferred from silence, passivity, or a lack of active resistance.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity (such as kissing or fondling) cannot automatically imply consent to any other forms of sexual activity (such as sexual intercourse).
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: 1) the person is under age; 2) the person is incapacitated due to the use or influence of alcohol or drugs; 3) the person is incapacitated due to a mental disability; or 4) the person is asleep or unconscious. These are discussed further below.
 - In order to give consent, one must be of legal age. In Illinois, the age of consent is 17 years old. However, for people 18 or over, it is illegal to commit acts of a sexual nature on persons who are under the age of 18 if they are in a position of authority or trust over the victim. This effectively raises the age of consent to 18 years old if the other party is 18 or over and in a position of authority or trust.
 - Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing

consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs.
- The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- Coercion, force, or the threat of either invalidates consent.

F. Dating violence means violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

G. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Illinois.

H. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or produce consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

I. A hate crime is an act or an attempted act that violates a criminal statute by any person that in any way constitutes an expression of hostility toward the victim because of his or her actual or perceived sex, race, ethnicity, religion, age, disability, national origin, sexual orientation, or gender-related identity, color, marital status, military status or unfavorable military discharge.

J. Intimidation means to make timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by this policy.

K. Non-consensual sexual contact is

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual contact include:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

L. Non-consensual sexual intercourse is

- any sexual intercourse,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

M. Primary prevention programming is institutional action and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.

N. Any form of **retaliation**, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the allegations of sexual discrimination, harassment or misconduct.

O. Sexual assault is any type of sexual contact or behavior that occurs by force or coercion or without consent of the recipient of the unwanted sexual activity. It includes sexual acts against a person who is unable to consent either due to age or lack of capacity or impairment. Examples include forced sexual intercourse, sodomy, child molestation, incest, fondling, attempted rape, statutory rape and rape. Sexual assault can occur between members of the same or opposite sex. Sexual assault includes any forced act against one's will where sex is the weapon.

P. Sexual discrimination is discrimination on the basis of sex, sexual orientation or gender-related identity. Sex discrimination includes sexual harassment, sexual misconduct and sexual violence.

Q. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual photographing or visual or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of photos or visual or audio recording of nudity or sexual activity without the persons permission, consent, or knowledge;
- Non-consensual voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; and
- Sexually-based stalking and/or bullying.

R. Sexual harassment is unwelcome sexual advances, requests for sexual acts or favors, and other verbal, nonverbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades;
- Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual;
- Such conduct has the purpose or effect of substantially interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive employment or educational environment; or
- Such conduct denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the college's educational programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature include:

- Verbal: Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats.

- Nonverbal: Sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.
- Physical: Touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.

A sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the college's educational programs or activities or the individual's employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.

- S. Sexual misconduct** includes unwelcomed touching or fondling, sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence, and stalking.
- T. Sexual violence** means physical sexual acts perpetuated against a person's will or where a person is incapable of giving consent (e.g. due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.
- U. A survivor** is an individual who has experienced sexual violence, domestic violence, dating violence or stalking while enrolled, employed, or attending an event at a higher education institution.
- V. Survivor-centered** means a systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that: 1) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; 2) ensures an understanding of how trauma affects survivor behavior; 3) maintains survivor safety, privacy, and, if possible, confidentiality; and 4) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.
- W. A trauma-informed response** is a response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

X. Other prohibited conduct from the Code of Student Conduct will fall under Title IX when based on sex, sexual orientation or gender-related identity including:

- Any act that threatens or endangers the health or safety of any person, including but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, coercion, intimate partner violence, and stalking.
- Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student organization or other student group. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of the rule.

IV. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL DISCRIMINATION, HARASSMENT OR MISCONDUCT

A. Immediate Assistance

1. On- and Off-Campus Counselors and Advocates. The following on- and off-campus counselors and advocates can provide an immediate confidential response in a crisis situation:

- Counseling and Career Development Center
(708) 974-5722; Building S, S202
Office Hours: Monday-Tuesday 8:30 a.m.-7:30 p.m., Wednesday-Friday 8:30 a.m.-5 p.m.
- Designated Confidential Advisor
*Souzan Naser, Counselor, Counseling and Advising
(708) 974-5722
Building S, S202
- Pillars (708) 745-5277 pillarscommunity.org
- Pillars 24-hour sexual assault hotline (708) 482-9600
- Crisis Center for South Suburbia - 24 hour Domestic Violence Hotline (708) 429SAFE(7233)
- City of Chicago Domestic Violence Help Line (24 hour/toll-free) (877) 863-6338
- Chicago Rape Crisis Hotline – Rape Victim Advocates (888) 293-2080
rapevictimadvocates.org
- YWCA South Suburban Agency – 24 hour Crisis Line (708) 748-5672
- YWCA of Metropolitan Chicago – Care Hotline (708) 748-5672
ywca.org/site/pp.asp?c=euLR17OZH&b=177298
- Mujeres Latinas en Accion (773) 890-7676
mujereslatinasenaccion.org/Home/about%20us
- Illinois Coalition Against Sexual Assault (217) 753-4117 icasa.org
**Indicates confidential advisor as defined in Section III(D), above.*

2. Emergency Response. Anyone who experiences or observes an emergency situation should immediately call 911 and/or campus Police at (708) 974-5555.

3. Off-Campus Health Care Options. Victims may seek treatment for injuries, preventative treatment for sexually transmitted disease, rape kits and other health services by contacting the following for health care options:
 - Adventist La Grange Memorial Hospital
5101 S. Willow Springs Rd., La Grange, IL 60525
 - Palos Community Hospital
12251 S. 80th Ave., Palos Heights, IL 60463
(708) 923-4000
 - *Advocate South Suburban Hospital
17800 S. Kedzie Ave., Hazel Crest, IL 60429
(708) 799-8000
 - *Advocate Christ Medical Center
4440 W. 95th St., Oak Lawn, IL 60453
(708) 684-8000
 - Metro South Medical Center
12935 S. Gregory St., Blue Island, IL 60406
(708) 597-2000
 - Franciscan St. James Health
1423 Chicago Rd., Chicago Heights, IL 60411
(708) 756-1000
 - *Franciscan St. James Health
20201 S. Crawford Ave., Olympia Fields, IL 60461
(708) 747-4000

**Indicates health care options which provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act (410 ILCS 70).*

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

B. Ongoing Assistance for Students

1. On- and Off-Campus Counseling, Advocacy and Support.

On Campus

- Title IX Coordinator, Dr. Jo Ann Jenkins, Dean of Student Success
(708) 974-5277
Building G, G253
- Moraine Valley Police Department
(708) 974-5555 Building P
- Counseling and Career Development Center
(708) 974-5722
Building S, S202
- Designated Confidential Advisor
*Souzan Naser, Counselor, Counseling and Advising
(708) 974-5722
Building S, S202
- Code of Conduct Office
(708) 974-5390
Building U, U115

**Indicates confidential advisors as defined in Section III(D), above.*

Off Campus

- Pillars (708) 745-5277 pillarscommunity.org
- Pillars 24-hour sexual assault hotline (708) 482-9600
- Chicago Rape Crisis Hotline – Rape Victim Advocates (888) 293-2080
rapevictimadvocates.org
- YWCA of Metropolitan Chicago – Care Hotline (708) 748-5672
ywca.org/site/pp.asp?c=euLR17OZH&b=177298
- YWCA South Suburban Agency – 24-Hour Crisis Line (708) 748-5672
- Mujeres Latinas en Accion (773) 890-7676
mujereslatinasenaccion.org/Home/about%20us
- Illinois Coalition Against Sexual Assault (217) 753-4117 icasa.org
- Illinois Department of Human Rights (312) 814-6200
www2.illinois.gov/dhr/FilingCharge/Pages/Education.aspx
- Cook County State’s Attorney’s Office (Bridgeview Complex, 5th District) (708) 9746250
- Crisis Center for South Suburbia – 24-Hour Domestic Violence Hotline (708) 429SAFE(7233)
- City of Chicago Domestic Violence Help Line (24-hour/toll-free) (877) 863-6338

2. Academic Accommodations and Interim Measures.

See Article VI, below.

C. Ongoing Assistance for Employees

- Human Resources (708) 974-5704
Building L, L167
- Employee Assistance Program (Services provided by Bensinger, DuPont & Associates)
Confidential help 24 hours a day, 7 days a week (800) 227-8620 *bdaeap.com*

V. CONFIDENTIALITY, PRIVACY AND REPORTING

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected sexual discrimination, harassment or misconduct to appropriate college officials – thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources are required to take action when an incident is reported to them.

Regardless of to whom a report is made, the college is obligated to provide the student victim with concise information, written in plain language, concerning the student victim's rights and options pursuant to this procedure.

The following describes the reporting options at the college:

A. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Confidential Advisors: as noted in Section III(D) above, a person who is employed or contracted by the college to provide emergency and ongoing support to student survivors of sexual violence. Confidential advisors receive 40 hours of training on sexual violence before being designated as confidential advisors, and thereafter receive a minimum of six hours of annual training on issues related to sexual violence. Confidential advisors also receive periodic training on the college administrative process, interim protective measures and accommodations, and complaint resolution procedures. Individuals designated as “responsible employees” in Section V(B), below, are not confidential advisors.

Contact information for such confidential advisors is as follows:

Designated MVCC Confidential Advisor:

Souzan Naser, Counselor, Counseling and Advising

(708) 974-5722; Building S, S202

Office Hours: Monday-Tuesday 8:30 a.m.-7:30 p.m., Wednesday-Friday 8:30 a.m.-5 p.m.

- Mental-Health Counselors: On-campus licensed professional mental-health counselors and staff in the Counseling and Career Development Center (including those counselors who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a student victim's permission. The college's Counseling and Career Development Center is located in Building S, S202; (708) 974-5722.

- Off-campus:
 - o Licensed professional counselors,
 - o Local rape crisis counselors,
 - o Domestic violence resources,
 - o Local or state assistance agencies.

A student victim who speaks to an on-campus mental-health counselor must understand that, if the student victim wants to maintain confidentiality, the college's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s) may be diminished. Even so, these counselors will still assist the student victim in receiving other necessary protection and support, such as student victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A student victim who at first requests confidentiality may later decide to file a complaint with the college or report the incident to law enforcement, and thus will have the incident fully investigated. These counselors will provide the student victim with assistance if the student victim wishes to do so.

Note: While these counselors may maintain a student victim's confidentiality vis-à-vis the college, they may have reporting or other obligations under state law. Any college employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the college determines that the alleged perpetrator(s) pose a serious and immediate threat to the college community, Campus Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

B. Formal Reporting Options of “Responsible Employees”

A College employee who has the authority to redress sexual discrimination, harassment or misconduct, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a responsible employee. When a student victim tells a responsible employee about an incident of sexual discrimination, harassment or misconduct, the student victim has the right to expect the college to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the student victim and that the college will need to determine what happened – including the names of the student victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the college’s response to the report.

The following categories of employees are the college’s responsible employees:

- College administrators (vice presidents, deans, assistant deans, and directors)
- Title IX coordinator
- Campus Police
- All faculty members
- Manager of Diversity and Employment
- Code of Conduct and Student Life Office full-time staff members
- Head coaches of college athletics teams
- Advisors of student clubs/organizations officially recognized by the college

Before a student victim reveals any information to a responsible employee, the employee should ensure that the student victim understands the employee’s reporting obligations and, if the student victim wants to maintain confidentiality, direct the student victim to the confidential resources listed above.

If the student victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the student victim that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX coordinator, the responsible employee will also inform the Title IX coordinator of the student victim’s request for confidentiality.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators,

witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of a nonconfidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

Individuals disclosing an incident will be provided a written copy of this policy and will be informed about campus and community resources, including counseling and other health services. Individuals will also be informed of their right to file (or not to file) separate complaints with campus Police or local law enforcement and will be offered assistance with filing such complaints. *Note: Incidents that occur at the college or college-sponsored events should be reported to campus Police. Incidents that occur off-campus should be reported to the local law enforcement agency in addition to a college official.

C. Electronic and/or Anonymous Reporting

The college provides an online system for electronic reporting. The reporter may choose to provide his/her identity or may choose to report anonymously. Please note that anonymous reporting will significantly limit the college's ability to respond. The electronic and/or anonymous reporting form can be found on the Police website at morainevalley.edu/police/silent-witness-program. Another option is the online Incident Reporting Form through the Code of Conduct Office found at <https://cm.maxient.com/reportingform.php?MoraineValleyCC>. Where a reporter chooses to provide his/her identity and contact information, the college shall respond to the reporter within 12 hours.

D. Student Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond

If a student victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the student victim may make such a request to the responsible employee to whom he/she initially discloses the incident. The college must weigh such a request against its obligation to provide a safe, nondiscriminatory environment for all students and employees, including the student victim.

If the college honors the request for confidentiality, a student victim must understand that the college's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Although rare, there are times when the college may not be able to honor a student victim's request in order to provide a safe, non-discriminatory environment for all students and employees.

The college has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX coordinator
- Director of Human Resources
- Chief of Moraine Valley Police

When weighing a student victim's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:
 - Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
 - Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
 - Whether the sexual discrimination was committed by multiple perpetrators;
- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;
- Whether the college possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- Whether the student victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the college to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the college will likely respect the student victim's request for confidentiality.

If the college determines that it cannot maintain a student victim's confidentiality, the college will inform the student victim at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the college's response.

If the college determines that it can respect a student victim's request for confidentiality, the college will also take immediate action as necessary to protect and assist the student victim.

If a victim's request for confidentiality limits the college's ability to formally investigate a particular allegation, the college may take steps to limit the effects of the alleged sexual discrimination, harassment and/or misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the college's policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

E. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct of a Student

In addition to the reporting requirements for responsible employees (see Section V(B), above), all college employees who have information regarding sexual discrimination, harassment and/or misconduct of a student are encouraged to report it to the Title IX coordinator or any responsible employee.

F. Clery Act Reporting Obligations

Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act," 20 U.S.C. 1092(f)), the college maintains a public crime log and publishes an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault. The *Clery Act* also requires the college to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees.

VI. INTERIM MEASURES

The college will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or college employees, will not be tolerated. The college will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;

- Provide other security and support, which could include the college obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged perpetrator(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or law enforcement – and provide the victim with assistance if the victim wishes to do so.

The college may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

Because the college is under a continuing obligation to address the issue of sexual discrimination, harassment and misconduct campuswide, reports of such incidents (including non-identifying reports) will also prompt the college to consider broader remedial action, such as increased monitoring, supervision, or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

VII. ADDITIONAL POLICY PROVISIONS

A. Attempted Violations

In most circumstances, the college will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

B. False Reports

The college will not tolerate intentional false reporting of incidents. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

C. Amnesty for Victims and Witnesses

The college community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, the college pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the campus Police). Students who in good faith report an alleged violation of the college's prohibition of sexual discrimination, harassment and misconduct will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (for example, underage drinking) revealed in the

course of reporting. Immunity will not be provided for student conduct violations which the college determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

D. Parental Notification

Whether you are the complainant or the respondent, the college's primary relationship is to the student and not to the parent. In the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. However, college officials will directly inform parents under one or all of the following circumstances: when requested to do so by a student, if a life-threatening situation exists, if the complainant is under the age of consent, or if the respondent has signed a release which allows such communication.

E. Take Back the Night and Other Public Awareness Events

Climate surveys and public awareness events such as Take Back the Night, the Clothesline Project, candlelight vigils, protests, survivor speak outs, or other forums in which students disclose incidents are not considered notice to the college of sexual discrimination, harassment or misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campuswide education and prevention efforts, and the college will provide information about students' Title IX rights at these events.

VIII. INVESTIGATION AND RESOLUTION OF COMPLAINTS

A complainant has the right, and can expect, to have reports taken seriously by the college, and to have those incidents investigated and properly resolved through these procedures.

A. Preliminary Investigation

The Title IX coordinator or his/her designee will promptly investigate a complaint of sexual discrimination, harassment or misconduct and provide appropriate support and consultation for the victim and/or complainant.

With respect to Title IX complaints that relate to a college employee as the victim and/or complainant or as the respondent, the Title IX coordinator will partner with the Human Resources Office in investigating the complaint, both preliminarily and, if warranted, formally. In cases involving a college employee respondent, the Department of Human Resources will recommend appropriate sanctions against the college employee respondent if applicable and founded.

If no reasonable grounds for the complaint are found, the Title IX coordinator will dismiss the case. The victim and/or complainant will be informed in writing why the act does not trigger a formal investigation under this policy.

If reasonable grounds for the complaint appear to exist, the investigator will first determine if any interim measures (see Article VI, above) are needed to stop the alleged sexual discrimination, harassment or misconduct and to prevent it from reoccurring. The investigator will proceed with the complaint pursuant to the Formal Investigation Procedures set forth in Section B, below.

B. Formal Investigation Procedures

1. Investigation Timelines

Absent extenuating circumstances, the college's investigation of a complaint will ordinarily be completed within 60 calendar days from the time a complaint is submitted. This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability of witnesses. The investigator will regularly update the complainant/victim and the respondent on the status of the investigation.

2. Interim Measures Provided

During the investigation, the Title IX coordinator will ensure the victim and/or complainant receive written notice of and the opportunity to obtain Interim Measures as set forth in Section VI, above, and will advise the victim and/or complainant of the right to file a complaint with campus Police or law enforcement agencies.

3. Notice to Respondent

- a. Within 10 business days of receipt of a complaint, the respondent will be given written notice of the charges against him/her.
- b. The respondent will be advised of the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).

4. Due Process Rights of Victim and/or Complainant and Respondent

- a. The victim and/or complainant and student respondent will each be notified of the individual(s) with authority to make a finding or impose a sanction in their proceeding before the individual(s) initiate contact with either party. Both parties will have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.
- b. The victim and/or complainant and student respondent will each be afforded the right to present information and witnesses relevant to his or her case.

- c. When the victim and/or complainant or student respondent is requested to appear at an investigatory meeting or proceeding related to a complaint, he or she may be accompanied by an advisor of their choice. The advisor may be an attorney (at the victim's, complainant's and/or student respondent's own expense).
- d. If the respondent is a college employee, then any employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

5. Evidence Considered

Investigators will interview and receive evidence from the victim, complainant, respondent and any witnesses identified during the course of the investigation. The victim's prior sexual history with anyone other than the respondent will not be considered during the investigation or any proceeding related to a complaint. The mere fact of a current or previous consensual dating or sexual relationship between the victim and respondent does not itself imply consent or preclude a finding of sexual violence.

6. Preservation of Evidence

The Title IX coordinator will provide the victim and/or complainant with information regarding the importance of preserving physical evidence of sexual violence and the availability of medical forensic services on at no charge pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act (410 ILCS 70). Any physical evidence gathered by the investigator will be preserved by campus Police.

7. Concurrent Criminal Investigation

The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the college investigation be temporarily suspended. In such cases, the college will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the college until the criminal investigation is closed.

8. Report of Investigation

At the conclusion of the investigation, the investigator will prepare a thorough report outlining the: complaint, investigation conducted and all relevant evidence obtained; investigator's conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for sanctions or other remedial action as

appropriate. The investigator will submit his/her report to the Title IX coordinator, Human Resources Office and/or both, as appropriate.

C. Determination

1. Standard of Proof

The standard of proof employed in the Title IX investigation is the preponderance of evidence standard, meaning any determination will be made on the basis of whether it is more likely than not that the respondent violated this policy. Criminal investigations running concurrently may require a higher level of proof.

2. Notice to Respondent

For student respondents, within seven (7) days after receipt of the investigator's report, the Title IX coordinator will notify the student respondent via certified mail, return receipt requested, of his/her determination. If the Title IX coordinator determines that the student respondent has violated the college's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the student respondent of:

- a. Disciplinary sanctions; and
- b. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section D, below.

3. Notice to Victim and/or Complainant

Concurrently with the notice provided to respondent, the Title IX coordinator will notify the victim and/or complainant via certified mail, return receipt requested, of his/her determination. If the Title IX coordinator determines that the respondent has violated the College's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the victim and/or complainant of:

- a. Any individual remedies offered or provided to the victim and/or complainant;
- b. Disciplinary sanctions imposed on the respondent that directly relate to the victim and/or complainant;
- c. In sexual violence cases only, any disciplinary sanctions imposed on the respondent;
- d. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section D, below; and

- e. If the college determines that a hostile environment exists, it will inform the victim and/or complainant of steps it has taken to eliminate the hostile environment and to prevent recurrence.

D. Appeal Procedures for Victims and/or Complainants and Student Respondents

A victim and/or complainant or a student respondent who wishes to appeal the decision reached by the Title IX coordinator at the conclusion of a formal investigation must submit a written request for appeal to the vice president of Student Development. This request must be submitted to the vice president within 10 business days after receipt of the Title IX coordinator's letter of determination.

The appeal request must be typewritten and must state the grounds for appeal. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. The finding of facts contained in the decision included inaccurate information.
3. Specific evidence considered during the investigation is objectionable.
4. New evidence not offered during the investigation that would substantially change the outcome of the finding is now available. In such cases, the new evidence must be described.
5. The sanction imposed is lenient, excessive or otherwise disproportionate with the violation.

Within 10 business days after receipt of the appeal request, the vice president of Student Development will decide whether to grant the appeal based on whether the appeal meets one of the above enumerated grounds for appeal and shall inform the appellant by certified mail, return receipt requested.

If the appeal is granted, the vice president of Student Development will not hold a hearing. Rather, resolution of the appeal shall be based upon the written findings and decision from the Title IX coordinator, any written documentation submitted by either party to the Title IX coordinator, all evidence considered by the Title IX coordinator, and, if applicable, new evidence offered for consideration. The Title IX coordinator or his/her designee will provide all relevant documentation to the vice president of Student Development. The vice president of Student Development shall render a decision within seven (7) days after receipt of the appeal and shall inform the appellant by certified mail. The decision of the vice president of Student Development shall be final.

In the event a victim and/or complainant or a student respondent does not appeal within the required 10 business day period, the decision of the Title IX coordinator will be final.

If the respondent is a college employee, then any employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

E. Disciplinary Sanctions

Student respondents who have violated the college's prohibition of sexual discrimination, harassment and/or misconduct are subject to any sanctions set forth in the college's Code of Student Conduct, up to and including expulsion.

College employee respondents who have violated the college's prohibition of sexual discrimination, harassment and/or misconduct will be subject to disciplinary action up to and including termination, consistent with any applicable employee guidebooks and/or collective bargaining agreement obligations.

F. Protective Actions

The college may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures. Campus Police will enforce court-ordered no-contact, restraining and/or protective orders to the fullest extent of the law.

G. Remedies

The college will administer remedies for the victim and/or complainant depending upon the specific nature of the complaint. In addition, the college may administer remedies for the college community as a whole.

Remedies for the victim and/or complainant may include, but are not limited to:

- Assisting the victim and/or complainant to change his/her academic and/or work environment if requested and if reasonably available;
- Providing an escort to ensure that the victim and/or complainant can move safely between classes and activities;
- Ensuring that the victim and/or complainant and the respondent do not attend the same classes;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for the victim and/or complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the victim and/or complainant's academic record; and
- Reviewing disciplinary actions taken against the victim and/or complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the victim and/or complainant being disciplined.

Remedies for the college community as a whole may include, but are not limited to:

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students and employees affected by sexual discrimination, harassment, and/or misconduct;
- Designating an individual from the college's counseling center to be available to assist victims of sexual discrimination, harassment, and/or misconduct whenever needed;
- Developing materials on sexual discrimination, harassment and misconduct for campuswide distribution to students, employees, and/or third-parties;
- Creating a committee of students and college officials to identify strategies for preventing and addressing sexual discrimination, harassment and misconduct; and
- Conducting periodic climate surveys to identify how students and employees perceive and experience sexual discrimination, harassment and misconduct at the college.

H. Retaliation

Retaliating against a person who has in good faith filed, supported, or participated in an investigation of a complaint of any type of discrimination, harassment, or sexual misconduct as defined above is prohibited. Students accused of retaliation will be subjected to the procedures of the Code of Student Conduct, and employees accused of retaliation will be subjected to Department of Human Resources procedures.

I. Initiating a Criminal Investigation

Nothing in this policy prohibits a victim of sexual assault, harassment, coercion, or stalking from initiating a criminal investigation with campus Police at any time during the process or in conjunction with the Title IX investigation. In addition to college-issued no contact orders and other appropriate remedies and/or sanctions, emergency orders of protection may be granted by the Circuit Court with approval of the Cook County State's Attorney's Office upon the initiation of a criminal investigation.

IX. PROCEDURES GOVERNING COMPLAINTS SOLELY INVOLVING EMPLOYEES AND/OR THIRD PARTIES

An employee or third party should notify the director of the Human Resources Offices if he or she believes that the college, its employees or agents have engaged in sexual discrimination, harassment or misconduct of an employee or third party in violation of Board Policy 7242.1.

When an employee is accused of sexual misconduct, the investigation and resolution procedures outlined in Human Resources Sexual Harassment Procedure referencing Board Policy 7242.1 will apply:

A. Investigation/Disposition of Complaint

The Human Resources Office shall investigate complaints alleging violations of this policy. Upon receiving a complaint, the Human Resources Office will conduct a fact-finding investigation, which will include, at a minimum, a review of the complaint and interviews with the complainant and/or victim, respondent, and other appropriate individuals. The investigation shall be prompt, thorough, and impartial. Upon completion of the investigation, the Human Resources Office will submit its findings and recommendations to the president, if appropriate. The president will accept, reject, or modify the recommendations and notify the Human Resources Office as such. The Human Resources Office will then provide a written response to the complainant.

If the investigation confirms the allegation, appropriate corrective action will be taken. Evidence that is collateral to the allegations of sexual discrimination, harassment or misconduct and that is obtained during an investigation may be used in subsequent grievance or disciplinary procedures.

1. The Human Resources Office shall conduct an interview with the complainant. The intent of the interview is to determine a true and complete account of the complaint. The following information should be sought during the interview process:
 - a. The severity of the conduct;
 - b. The number and frequency of acts of alleged harassment;
 - c. The apparent intent of the person alleged to have engaged in sexual harassment;
 - d. The relationship of the parties;
 - e. The response of the complainant at the time of the incident(s); and
 - f. The relevant work environment.
2. To the extent practicable, the Human Resources Office shall interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident.
3. The Human Resources Office shall interview the respondent and inform him/her that a complaint has been made against him/her, and allow the respondent to respond to the complaint. The respondent shall be informed that the incident is not to be discussed with coworkers and that retaliatory action against the complainant and/or Victim will not be tolerated.
4. To the extent practicable, the Human Resources Office shall review any other relevant information or evidence and/or interview any other relevant witnesses.
5. A written record of the investigation shall be made, inclusive of all notes made of interviews, conversations or verbal responses to questions posed by the Human Resources Office to the complainant and/or victim, witnesses or respondent, and any other aspects of the investigation. The entire written record and report, including a written summary of the findings of the investigation, shall be provided to the

president within twenty (20) working days from the date the allegations were first reported. Where appropriate, the written report shall include any recommendations for discipline.

6. The president shall, based upon the investigative report, evidence and all known circumstances, make a determination as to whether the respondent committed sexual discrimination, harassment or misconduct.
7. If the determination is that a violation of this policy has occurred, the president shall take immediate and appropriate disciplinary actions consistent with the nature and severity of the offense.
 - a. Disciplinary action shall be in accordance with the rules and regulations of the college and any other applicable law, regulation or rule.
 - b. The discipline imposed shall reflect the severity of the improper conduct, taking into consideration the nature of the conduct, the frequency of the conduct, the relationship of the parties involved, the intent of the offending party, and any other relevant matters.
 - c. Available discipline includes, but is not limited to, verbal reprimand, written reprimand, transfer, reassignment of duties, demotion, suspension, or termination, including immediate termination if the violation of this policy is sufficiently severe and blatant to make it in the best interests of the college that the employee be immediately terminated.
8. In all circumstances, whether a violation of this policy is determined to have occurred or not to have occurred, both the complainant and/or victim and the respondent shall be notified in writing of the results of the investigation and the discipline imposed, if any. A person alleged to have violated this policy shall not retaliate in any way against the complainant and/or victim, witnesses or any other person involved in the investigation.
9. Complaints alleging violations of this policy by an elected official of the college. If any elected official of the college is found to have violated this policy, the investigative report and findings shall be presented to the president and Board of Trustees, excluding the member alleged to have violated this policy. If members concur with the findings, they shall impose appropriate discipline.

B. Appeals

If either party (complainant and/or victim or respondent) is dissatisfied with the outcome of the investigation and/or the discipline imposed, that party may notify the Human Resources Office within seven (7) days of being informed of the results of the investigation and the discipline, if any, that was imposed. The Human Resources Office shall forward the timely request for appeal to the President for further review. Both parties shall be notified in writing about the outcome of the appeal.

X. FREQUENTLY ASKED QUESTIONS

A. Does information about a report remain private?

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the college's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The college will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the complainant and/or the respondent may lead to conduct action by the college, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual discrimination, harassment or misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the involved parties. Certain college administrators are informed of the outcome within the bounds of student privacy (e.g., the president of the college, dean of Students, chief of campus Police). If there is a report of an act of alleged sexual discrimination, harassment or misconduct to a conduct officer of the college and there is evidence that a crime has occurred, campus Police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the college is legally required to notify law enforcement authorities. The college also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an Annual Security Report of campus crime statistics. This statistical report does not include personally identifiable information.

B. Will my parents/guardians be told?

No, not unless you tell them. Whether you are the complainant or the respondent, the college's primary relationship is to the student and not to the parent. In the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. However, college officials will directly inform parents under one or all of the following circumstances: when requested to do so by a student, if a life-threatening situation exists, if the complainant is under the age of consent, or if the respondent has signed a release which allows such communication.

C. Will the responding party know my identity?

Yes, if the college determines there is reasonable cause to believe a violation has occurred and investigates the matter. The respondent has the right to know the identity of the complainant. If there is a hearing, the college does provide options for questioning without confrontation, including providing separate facilities, video technology, telephone, or other approved means.

D. Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the respondent. You can report the incident without the identity of the responding party, but doing so may limit the College's ability to respond comprehensively.

E. What do I do if I am accused of sexual discrimination, harassment or misconduct?

DO NOT contact the complainant or alleged victim. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Code of Conduct Office, which can explain the college's procedures for addressing sexual discrimination, harassment and misconduct reports. You may also want to talk to a confidential counselor at the Counseling and Career Development Center or seek other community assistance. See below regarding legal representation.

F. Will I (as a victim) have to pay for counseling and/or medical care?

Not if the service is provided by college counselors. However, if you are referred to an external, agency for long-term counseling or if you seek medical care, payment for these services will be your responsibility and subject to state/local laws, insurance requirements, etc.

G. What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the State's Attorney's Office. You may want to retain an attorney if you are considering filing a civil action or are the responding party. The responding party may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the respondent and the complainant may also use an attorney as their advisor during the campus' investigation.

H. How is a report of sexual discrimination, harassment or misconduct decided?

The college investigates allegations of sexual discrimination, harassment or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not." This standard, called the preponderance of the evidence standard, corresponds to an amount of evidence indicating a policy violation is more than 50 percent likely.

I. What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person as soon as possible, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the hospital emergency room, before washing yourself or your clothing. Medical forensic services (rape kits) and/or sexual assault nurse examiners are available at hospitals at no cost pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act (410

ILCS 70). Do not clean or throw any objects of clothing away. A victim advocate from the institution can accompany you to the hospital and campus law enforcement can provide transportation. If a victim goes to the hospital, campus police will be called, but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it. Campus Police will collect and secure all evidence collected at the hospital.

For the victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

J. Will a complainant be sanctioned when reporting a policy violation if he/she has illegally used drugs or alcohol?

No. The seriousness of sexual misconduct is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. Students who in good faith report an alleged violation of the College's prohibition of sexual discrimination, harassment and misconduct will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (for example, underage drinking) revealed in the course of reporting. Immunity will not be provided for student conduct violations which the College determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

K. Will the use of drugs or alcohol affect the outcome of a complaint?

The use of alcohol and/or drugs by either party will not diminish the respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the parties' memories and, therefore, may affect the outcome of the complaint. A complainant and/or victim must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove that policy was violated. If the complainant and/or victim does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a respondent.

L. Will either party's prior use of drugs and/or alcohol be a factor when reporting a policy violation?

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

M. What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual discrimination, harassment or misconduct, but are unsure of whether it was a violation of this policy, you should contact the Title IX coordinator (not confidential), the Counseling and Career Development Center (confidential), or a confidential advisor.

XI. RESOURCES AND SUPPORT SERVICES

A. On Campus

- Title IX Coordinator, Dr. Jo Ann Jenkins, Dean of Student Success
(708) 974-5277
Building G, G253
- Moraine Valley Police Department
(708) 974-5555 Building P
- Counseling and Career Development Center
(708) 974-5722
Building S, S202
- Designated Confidential Advisor
Souzan Naser, Counselor, Counseling and Advising
(708) 974-5722
Building S, S202
- Code of Conduct Office
(708) 974-5390
Building U, U115
- Human Resources (708) 974-5704 Building L, L167
- Employee Assistance Program (Services provided by Bensinger, DuPont & Associates)
Confidential help 24 hours a day, 7 days a week (800) 227-8620 *bdaeap.com*

B. Off Campus

- Pillars (708) 745-5277 *pillarscommunity.org*
- Pillars 24-hour sexual assault hotline (708) 482-9600
- Chicago Rape Crisis Hotline – Rape Victim Advocates (888) 293-2080
rapevictimadvocates.org
- YWCA of Metropolitan Chicago – Care Hotline (708) 748-5672
ywca.org/site/pp.asp?c=euLR17OZH&b=177298

- YWCA South Suburban Agency – 24 hour Crisis Line (708) 748-5672
- Mujeres Latinas en Accion (773) 890-7676
mujereslatinassenaccion.org/Home/about%20us
- Illinois Coalition Against Sexual Assault (217) 753-4117 *icasa.org*
- Illinois Department of Human Rights (312) 814-6200
www2.illinois.gov/dhr/FilingCharge/Pages/Education.aspx
- Cook County State’s Attorney’s Office (Bridgeview Complex, 5th District) (708) 9746250
- Crisis Center for South Suburbia - 24 hour Domestic Violence Hotline (708) 429SAFE(7233)
- City of Chicago Domestic Violence Help Line (24 hour/toll-free) (877) 863-6338

XII. EDUCATION, PREVENTION AND TRAINING

A. Prevention and Education for Students

The college will review on an ongoing basis, its sexual discrimination, harassment and misconduct prevention and education programming to ensure students are provided substantive opportunities to learn about sexual discrimination, harassment and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant college policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

Initial training on preventing discrimination and sexual violence: Title IX, VAWA and Clery Act will be offered to every new student during their first semester of enrollment.

All first-time, full-time students who attend mandatory orientation will receive information about sexual harassment and assault from the Counseling and Career Development Center faculty.

The Counseling Center offers sexual assault awareness and prevention programming during the month of April and domestic violence awareness during October in conjunction with Pillars Community Services. Programming includes workshops, activities, and guest speakers. The Counseling Center offers a two-credit course HDV-100 Healthy Romantic Relationships which addresses the concepts of love, communication, and personal values within relationships, including lessons on intimate partner violence, sexual violence and more.

The college, in conjunction with its campuswide and/or regional task force established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its prevention and education offerings to identify ways in which to enhance its effectiveness.

B. Training

The Title IX coordinator, campus Police, responsible employees, victim advocates, and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment and misconduct receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant college policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

Training for faculty and staff on Title IX policies and reporting procedures will be offered regularly each semester through the Center for Teaching and Learning.

In addition to the above training, individuals who resolve complaints receive at least 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct the college's complaint investigation and appeal procedures pursuant to Article VIII, above.

All confidential advisors receive 40 hours of training on sexual violence before being designated a confidential advisor. Annually thereafter, confidential advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Confidential advisors also receive periodic training on the college administrative process, interim protective measures and accommodations, and the college's complaint investigation and appeal procedures pursuant to Article VIII, above.

The college, in conjunction with its campus-wide and/or regional task force established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its training offerings to identify ways in which to enhance its effectiveness.

XIII. SEXUAL VIOLENCE – RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a nonconsensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself taking part in sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, create physical space between you and your partner, and communicate. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they knowingly used drugs and alcohol.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a perceived or real power advantage. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
- Consent can be withdrawn at any time during a relationship or sexual activity. Previous consent does not imply future or continuing consent.

In campus hearings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the college provides due process to all students. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual discrimination, harassment or misconduct in order to protect students' rights and personal safety. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and/or victim and the respondent, as well as the safety of our campus community.

Last updated: September 2016