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INVESTIGATION AND RESOLUTION PROCEDURES FOR ALLEGATIONS OF SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND STALKING

These Investigation and Resolution Procedures ("Procedures") are in place for all alleged violations of this Policy Against Sex Discrimination, including complaints involving students and those involving a faculty or staff member, or any other individual such as contractors, visitors or guests of the College. If there is a conflict between the Procedures and the contractual rights of a faculty member or employee, the College will apply or modify these Procedures in a manner that comports with any such contractual rights.

The College has established a Policy Against Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Interpersonal Violence and Stalking ("Policy") that articulates the College's set of behavioral standards, explanations of definitions and key concepts, and descriptions of prohibited conduct. The Policy (set forth above) and these Investigation and Resolution Procedures also outline the College's approach to addressing alleged or suspected violations of the Policy, taking into account the College's status as a private institution of higher education and its unique mission and culture. Because the College's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with the various anti-discrimination laws that apply to its programs.

The College is committed to the prompt and equitable resolution of all alleged or suspected violations of the Policy about which the College knows or reasonably should know, regardless of whether a complaint alleging a violation of the Policy has been filed and regardless of where the conduct at issue occurred. In resolving a particular matter, the College may use some or all of the following processes: Initial Assessment, Voluntary Resolution, Investigation (a formal process leading to a finding), and Sanctioning. Regardless of the specific processes employed, the College will complete its Resolution Procedures (excluding any appeals) within 60 calendar days unless the College determines in its discretion that more time is required, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period.

The College's ability to investigate in a particular situation, or the extent of the Investigation in any given situation, may be affected by any number of factors, including whether the report is anonymous, the Reporting Party is willing to file a report or to consent to an Investigation, the Reporting Party's request for confidentiality, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances. In instances where Reporting Party is unwilling or unable to file a report and participate in an Investigation and Resolution process, the College may elect to proceed and to seek resolution of the matter in accordance with the Investigation and Resolution Procedures described below or other process that resolves the complaint in a manner consistent with applicable law

and relevant Office of Civil Rights (OCRC) or other relevant government guidance. Similarly, the College may also proceed to seek resolution of the alleged or suspected Policy violation in cases in which the Responding Party does not wish to participate in the Investigation and Resolution process. In these cases, the College will serve as the Reporting Party in the procedures described below.
These Procedures apply to all suspected or alleged violations of the Policy and will be used in place of any Student Conduct Code or Conduct Council or Faculty or Employee Handbook policies or procedures used to address other alleged misconduct. In addition, the College may at any time, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

A. Confidentiality

An individual may choose to disclose information concerning sex discrimination, including sexual harassment, sexual misconduct, interpersonal violence and stalking to a faculty or staff member. Individuals should understand, however, that all Knox employees, except the Confidential Reporting resources identified below, are required to report to the Title IX Coordinator when they receive a report of sex discrimination, including sexual harassment, sexual misconduct, interpersonal violence or stalking, so that the College can respond appropriately. Resident Advisors are also considered College representatives with a duty to report.
If an individual requests confidentiality when reporting these incidents, the Lead Title IX Coordinator will evaluate that request in light of the College's obligations under federal and state law and relevant government or regulatory guidance. Information pertaining to such incidents will be treated with sensitivity and disseminated with care when it is necessary to do so for purposes of conducting an Investigation or taking appropriate corrective action. The College will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, to the extent permissible by law.

B. Reporting

1. Campus Reporting

The College encourages individuals to disclose as soon as practically possible, but there is no time limit on reporting incidents of sex discrimination, including sexual harassment, sexual misconduct, interpersonal violence or stalking. The College will undertake an investigation of past events, but it cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Knox community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).
All College employees, except those identified in the Confidential Reporting section below, are obligated to share with the Lead or a Deputy Title IX Coordinator any alleged violation of this Policy of which they become aware unless they are expressly prohibited by law from disclosing such information. At Knox, staff counselors and advocates at the Counseling Center and medical personnel at the Health Center are not required to

disclose the information to a Title IX Coordinator as they have professional obligations to maintain the confidentiality of their clients. Anyone who feels that they have been the victim of sex discrimination, including sexual harassment, sexual misconduct, interpersonal violence or stalking, as defined in the Policy is encouraged to bring it to the attention of the Title IX Coordinator or a Deputy for assistance. The Title IX Coordinator is responsible for the prompt and impartial review, investigation and adjudication of all reports of violations of the Policy, along with the provision of interim measures and remedies to support all individuals involved and to treat them with dignity and care. The Title IX Coordinator is empowered to provide interim measures and remedies to support all individuals involved in these situations and to protect the safety of the campus community through these measures. These responsibilities include addressing off-campus conduct that affects members of the Knox community as well as on-campus conduct.

2. Off-Campus Reporting

The College encourages all individuals who feel they have been victims of sexual misconduct or interpersonal violence to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention helps preserve the full range of options, including the options of working through the College's Investigation and Resolution Procedures and/or filing criminal complaints. Individuals also have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College through its Investigation and Resolution Procedures or to pursue both processes consecutively or concurrently. A victim of sexual misconduct or interpersonal violence also has the right not to pursue any complaint. Regardless of the option chosen, the College will initiate an Investigation as provided in this Policy. Section 4, below, includes additional information regarding requests for confidentiality or requests that no investigation be conducted.
In addition to having the option of pursuing a criminal complaint, individuals also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders see:

www.illinoisattorneygeneral.gov/women/victims.html
www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7163#
www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7152#

The Title IX Coordinator and the Knox College Campus Safety Department will assist individuals with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request, and with accessing all appropriate resources and support, including on and off- campus confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence or resume its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Individuals who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. Knox's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. The College's Title IX Coordinator and the Knox College Campus Safety Department are available to assist students with any reports they might wish to make to law enforcement authorities.

3. Confidential Reporting

The College recognizes that individuals who feel they have been victims of sexual misconduct, interpersonal violence or stalking may require time and support in considering whether or how to participate in any College or law enforcement process. There are confidential resources on campus and in the community available to individuals as they make these decisions. These resources include:

a. Confidential Resources on Campus

Knox Health and Counseling Center: 309-341-7492

Staff counselors and medical personnel at the Health and Counseling Center can provide emotional and medical support in a safe and confidential space. They are not required to disclose identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help parties think through their options for filing a formal report. In addition, a Staff Counselor and Sexual Assault Advocate is available to meet with students and provide support and information about the College’s Policy and Procedures in a confidential setting.

b. Confidential Resources in the Community

Safe Harbor Family Crisis Center

1188 West Main Street – Galesburg
24-Hour Local Crisis Line: 309-343-7233
www.safeharbordv.org

Western Illinois Regional Council Victim Services (WIRC)
24-Hour Crisis Line: 309-837-5555
www.wirpc.org/victimservices/sexualassault.php

RAINN: Rape, Abuse and Incest National Network
24-Hour National Sexual Assault Hotline: 1-800-656-4673 (HOPE)
www.rainn.org
Family Planning
311 East Main Street, #409 – Galesburg
309-343-6162
www.familyplanningservice.net

c. **Amnesty/Good Samaritan Policy**
The College recognizes that an individual who has been drinking or using drugs at the time of an incident of sexual misconduct, interpersonal violence or stalking may be hesitant to make a report because of potential disciplinary consequences. To encourage reporting, the College has determined that an individual who reports these incidents will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not/do not endanger the health or well-being of any other individual. The College may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

d. **Anonymous Witness Report**
The College also has an online mechanism for individuals who believe that they have been subjected to sexual misconduct to make an anonymous report: www.knox.edu/silentwitness. These reports will be sent to the Title IX Coordinator who will make every effort to respond or take other corrective action, but the College's ability to respond or take corrective action following an anonymous report may be limited. This reporting mechanism is not a substitute for the obligation of all College employees, except for the Confidential Reporting resources identified, to make a report as described above.

4. **Requesting Confidentiality: How Knox College Will Weigh the Request and Respond**
The College has designated the Title IX Coordinator to evaluate requests for confidentiality or that no formal action be taken and oversee the College's response to reports of alleged sexual violence or other misconduct involving Knox College students. If Knox College honors a Reporting Party's request for confidentiality or request that no investigation or resolution be pursued, the College's ability to investigate the incident comprehensively or pursue disciplinary action against the alleged Reporting Party(s) may potentially be limited. If a Reporting Party discloses an incident, but requests confidentiality or is unwilling to participate in any investigation or adjudication process,

the Title IX Coordinator, in consultation with other College administrators, which may include representatives of the Office of the Dean of Students, the Knox College Campus Safety Department, and the College's Title IX Counsel, will weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party. When weighing a Reporting Party's request for confidentiality or that no investigation or resolution be pursued, the Title IX Coordinator will consider a range of factors, which may include but are not limited to, whether:

- The alleged Responding Party is likely to commit additional acts of sexual or other violence, such as:
    - Whether there have been other sexual violence complaints about the same alleged Responding Party;
    - Whether the alleged Responding Party has a history of arrests or records from a prior school indicating a history of violence;
    - Whether the alleged Responding Party threatened further sexual violence or other violence against the Reporting Party or others;
    - Whether the sexual violence was committed by multiple perpetrators;
- The sexual violence was perpetrated with a weapon;
- The Reporting Party is a minor;
- Knox College possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- The Reporting Party'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 action against the Responding Party even if the Reporting Party requests otherwise. If none of these factors are present, the College is more likely to respect the Reporting Party's request. If the Title IX Coordinator determines that the College cannot maintain a Reporting Party's confidentiality, the Title IX Coordinator will inform the Reporting Party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

C. Initial Assessment| Interim Measures and Remedies

Whatever the source, the College will make every effort to bring reports as quickly as possible to the Title IX Coordinator for preliminary assessment. The primary goal of the College's response at this stage is to assist and support the complainant/victim/survivor (referred to as the Reporting Party), regardless of whether the Reporting Party chooses to report the incident to law enforcement. The Initial Assessment will also determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted.

Upon receipt of a report, the Title IX Coordinator and/or designee will implement any appropriate Interim Measures and Remedies to protect the safety of the parties and the campus community and will seek to provide Interim Measures and Remedies for the parties that address

their safety and well-being. Such measures and remedies may requested by or provided to either party and may include but are not limited to counseling services, orders of no contact, provision of escorts and residence modifications, along with academic and campus work accommodations. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the College to provide the interim measures.
As required under the Clery Act, the College will (a) provide Reporting Parties with information about their options for, and available assistance in, changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or to local law enforcement; and (b) facilitate changes in the Reporting Party's transportation and working situations, in addition to academic and living situations, if requested and reasonably available.

1. **Initial Assessment**
   The first step of the Initial Assessment will typically be a meeting between the Reporting Party and the Title IX Coordinator and/or designee. This meeting will allow the Title IX Coordinator and/or designee to:

   - Assess the nature and circumstances of the allegation.
   - Address any immediate concerns about the physical safety and emotional well-being of the parties.
   - Notify the Reporting Party of the option to notify law enforcement and be assisted in doing so, as well as the option not to notify law enforcement.
   - Provide the Reporting party with information about the range of available on and off campus resources and services, including confidential resources and services, and assist them in accessing these resources.
   - Describe the range of Interim Measures and Remedies for security and support, including orders of no contact, changes in living arrangements, campus employment, course adjustments and other forms of academic support. In addition, the College may, at its discretion, impose an interim suspension or leave of absence on the Responding Party in cases where the College believes there is risk of harm to others. Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on the Reporting Party to the extent possible.
   - Discuss fully the options afforded to the Reporting Party, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party they accompany), the Investigation and Resolution process, and the need to preserve any relevant evidence or documentation in the case. All parties will be informed that the College prohibits any retaliation against parties who have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy.

- Assess whether there is a need for a timely warning or emergency notification under federal law.

At this time, a written complaint or statement may be submitted by the Reporting Party, but a written complaint or statement is not necessary; information provided by the Reporting Party in any form will be considered in resolving allegations reported to the College.

If the Reporting Party at any time requests that their identity remain confidential or that no formal action be taken, the College will balance this request along with its responsibility to take steps to foster an educational environment that is free of discrimination and harassment for all members of the campus community. Among the factors to be considered are the seriousness of the alleged misconduct and the risk to the community's safety, whether the alleged incident is isolated or part of a pattern of misconduct, and the Responding Party's rights for notification under federal and state law. If the Title IX Coordinator determines that it cannot honor the request for confidentiality, the College cannot abide by the Reporting Party's requests, it will inform that party prior to initiating any investigation and will, to the extent possible, only share information with those responsible for handling the College's response.

As soon as practicable after the initial meeting with the Reporting Party, the accused party (referred to as the Responding Party) will also be notified that a report or complaint alleging a violation of College Policy has been made unless the College determines that notifying the Responding Party is not necessary or appropriate under the circumstances. When notified of the report or complaint, the Responding Party will also receive parallel discussion of the options afforded to them, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), the Investigation and Resolution process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies. The Responding Party will also be provided with a written explanation of these rights.

The Responding Party may elect to accept responsibility for all or part of the conduct alleged by the Reporting Party at this stage or at any later stage throughout the process. In that case, the Title IX Coordinator and/or their designee may initiate an Investigation for the purposes of providing additional information that may be relevant to the College official charged with determining appropriate sanctions. If the Responding Party does not accept responsibility, the Investigation will proceed as described below. In addition, if the Responding Party withdraws a prior acceptance of responsibility, the process will continue as described below.

2. **Interim Measures and Remedies**
   Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above and coordinate with the both parties on the provision and implementation of these measures.

D. Option for Voluntary Resolution

The Voluntary Resolution process produces an agreement designed to cease the conduct at issue and remedy its effects on the safety and welfare of the Reporting Party and the campus community, all the while respecting the preferences of the Reporting Party. Voluntary Resolution is only appropriate if the Reporting Party requests it and if the Title IX Coordinator determines through the Initial Assessment or at a later stage that the Voluntary Resolution is permissible and appropriate. It is not appropriate for all forms of conduct covered under the Policy. Allegations of sexual assault or sexual violence, and allegations of interpersonal violence and/or stalking involving physical contact may not be resolved using a Voluntary Resolution. However, other alleged violations of the Policy, including some allegations of sexual harassment, may be resolved using a Voluntary Resolution process overseen by the Title IX Coordinator in conjunction with one or more College representatives if the College determines, in its discretion, that such a process would be appropriate and all parties agree to participate.
In some forms of Voluntary Resolution, the process will involve only remedies that support the Reporting Party. Other forms of Voluntary Resolution allow the Responding Party to accept responsibility for the misconduct and for appropriate remedies and other corrective actions to be imposed. In addition, either party can request at any time that the Voluntary Resolution process cease and the the Investigation and Resolution process begin (or resume if it has already begun).

A summary of the Initial Assessment by the Title IX Coordinator will be shared with both parties to help inform the process of Voluntary Resolution. The parties to any such voluntary process will not be required to deal directly with one another without the College's involvement. The Title IX Coordinator can also arrange for any current member of the College faculty, staff or student community to be asked to assist with the voluntary process by meeting with both parties separately or together. The Title IX Coordinator or other College official will discuss with the both parties the range of potential actions and resolutions. If both parties agree on a set of actions and resolutions, the Voluntary Resolution will be documented and both parties will be notified simultaneously/contemporaneously (to the greatest extent possible) in writing of the Voluntary Resolution.

E. Investigation and Resolution

1. **Investigation**
   The College is committed to undertaking prompt, thorough, impartial and fair investigations, and to treating all individuals with respect and sensitivity. If Voluntary Resolution is not appropriate or requested by the Reporting Party, the Title IX

Coordinator will continue the Investigation process by appointing one or more internal or external investigators who have been trained in the investigation of, and other issues related to, domestic violence, dating violence, sexual assault, stalking and other misconduct covered by this Policy and who do not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and who receive at least annual training on issues related to sexual assault, interpersonal violence, and stalking. These investigators will undertake an Investigation for the purposes of adjudicating whether the Responding Party is responsible for the alleged violation(s) of the Policy. As noted above, the College will complete the process of responding to any suspected or alleged violation of the Policy and arrive at a resolution (excluding any appeals) within 60 calendar days of the filing of a report or the date on which the College becomes aware of a suspected or alleged violation of the Policy unless the College determines that additional time is required. The College will provide the parties with periodic updates as it deems appropriate and timely notice of meetings at which either or both the Reporting and Responding Parties may be present, and will provide both parties with timely and equal access to any information that will be utilized in the process. Extenuating circumstances could require the process to extend beyond the 60-day time frame described above, and the College will determine in its discretion if such circumstances exist and will notify the Reporting and Responding Parties in writing of the delay and the reason for the delay.

As part of the Investigation and Resolution, the Investigator(s) will review any information gathered during the Initial Assessment and will seek to interview both the Reporting and Responding Party, along with any other witnesses who can provide germane information. Both parties are entitled to bring an advisor of their choice to any meeting or interview in connection with the process. The role of the advisor of choice is limited to consulting privately with the party they accompany. To help ensure a prompt and thorough investigation, the Reporting Party is encouraged to provide as much information as possible, including the following:

- The name of the person or persons allegedly engaged in the prohibited conduct.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the reporting party's opportunity to benefit from the College's programs or activities.
- The names of other individuals who might have relevant information about the alleged actions and/or been subject to the same or similar acts of prohibited conduct.
- Although it is not required, any steps the Reporting Party has taken to try to stop the prohibited conduct.
- Any other information the Reporting Party believes to be relevant to the alleged prohibited conduct.

The Responding Party is also expected to provide as much information as possible in connection with the investigation.

In general, in a case where the Responding Party raises consent as a defense, any prior sexual or other relationship between the parties may be deemed relevant to the Investigation but not necessarily determinative. As noted in the Policy above, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, other prior sexual history of the Reporting or Responding Party will not be considered relevant to the Investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of the Responding Party, assigning of a sanction. Additionally, a prior finding of responsibility for a similar act of sexual misconduct that remains following any appeals may be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

2. Title IX Investigative Report

Upon conclusion of the investigation, the Investigator(s) will produce a Title IX Investigative Report that summarizes and analyzes the allegations, the relevant facts, and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). The Title IX Investigative Report will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law). Each party will have the right to provide to the Title IX Coordinator their comments on the Report identifying any factual inaccuracies or misunderstandings within 5 calendar days of receipt of the Report. The Investigator will address any identified factual inaccuracies or misunderstandings as appropriate and based on this information, as well as all information gathered during the Investigation, the Investigator(s) will make a finding as to whether the College's Policy has been violated in the matter by the Responding Party.

3. Standard of Proof

The **Standard of Proof** to be employed by the Investigator shall be the preponderance of the evidence: that is, based upon the information obtained during the investigation, is it more likely than not that one or more violations of the Policy occurred? The Final Title IX Investigative Report, including a finding of responsibility or non-responsibility for a Policy violation and a rationale for the finding, will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law) simultaneously/contemporaneously to the greatest extent possible.

4. Sanctioning, Impact Statements and Corrective Actions

If the Investigator finds based on a preponderance of the evidence that the Responding Party is responsible for a violation of the Policy, the **Final Title IX Investigative Report** will be forwarded to the appropriate College official for determination of sanction. Both parties will then be afforded the opportunity to provide any additional written comments and statements as to the impact of the Investigator's finding for consideration by the appropriate College official who will be assigning the sanction. These comments and statements must be submitted to the sanctioning officer within 5 calendar days of receipt of the Final Investigative Report.

- When the **Responding Party is a student** who has been found responsible for a violation of College Policy, the **Dean of Students** will determine the appropriate sanction and any other corrective actions.
- When the **Responding Party is a faculty member** who has been found responsible for a violation of College Policy the **Dean of the College** will determine the appropriate sanction and any other corrective actions, unless a different process is required under the Faculty Handbook then in effect.
- When the **Responding Party is a staff member** who has been found responsible for a violation of College Policy the **Director of Human Resources** will determine the appropriate sanction and any other corrective actions, unless a different process is required under any applicable collective bargaining agreement.

Upon reviewing the Final Title IX Investigative Report and any additional comments or statements submitted by either party, the College official responsible for sanctions will determine what, if any, sanctions will be imposed and will notify each party, contemporaneously/simultaneously (to the greatest extent possible) of any sanctions or other corrective actions in writing, as well as the rationale for the sanctions or other corrective actions, to the extent permitted or required by law. Each party will be notified of the decision regarding sanctions and any other corrective actions within 5 calendar days of the referral of the Report to the College official responsible for determining the sanction and any other corrective actions, unless the College official determines that additional time is required. The College official will also provide a copy of the decision regarding sanctions and any other corrective actions to the Lead Title IX Coordinator.

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Reporting Party (and others, if appropriate). The range of potential disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation is: written or verbal apology; discrimination, harassment or consent education; drug or alcohol counseling, community service; verbal or written warning; probation; suspension; and dismissal or other separation from the College. Additional corrective actions for the Reporting Party may include but are not limited to support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and

support. Corrective actions and remedies at the level of the institution may include but are not limited to providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations.

In no event will the Reporting Party in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, or other sexual misconduct including interpersonal violence and/or stalking be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the College is unable to take disciplinary or other corrective action in response to a violation of this Policy because a complainant/victim/survivor requests confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

F. Appeals

1. Appeal of Finding of Non-Responsibility

If there is a finding of non-responsibility, either party may appeal such a finding within 10 calendar days of receiving the Final Title IX Investigative Report. Appeals of such a finding may be submitted on two grounds: new evidence or information sufficient to alter a decision; and allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case. Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments relevant to the grounds for the appeal.

2. Appeal of Finding of Responsibility and Sanctions/Corrective Actions

If there is a finding of responsibility, either party also has the right to submit an appeal of the finding and the sanctions/corrective actions within 5 calendar days of being notified of the sanction decision. Appeals of such a finding may be submitted on two grounds: new evidence or information sufficient to alter a decision; and allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case. Appeals of the sanctions may be submitted on the grounds that the sanction was excessively harsh or excessively lenient or that the College official imposing the sanction deviated from the process outlined in the Policy in a manner that substantially influenced the nature of the sanction. Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments relevant to the grounds for the appeal. The appeal must be submitted in writing to the Title IX Coordinator within 5 calendar days of receipt of the sanction notification. If the responding party wishes to have a sanction suspended pending the outcome of the appeal, they may so request at the time of the appeal. It is within the sole discretion of the Title IX Coordinator to grant a suspension of the sanction pending an appeal

determination and to invoke necessary interim remedies and measures during this period.

3. Appeal Process

The appeal process has two steps. First, within 5 calendar days of receiving an appeal of either finding or sanction, the Title IX Coordinator will determine whether the appeal satisfies the grounds for appeal and will notify the parties simultaneously/contemporaneously (to the greatest extent possible) in writing of their decision regarding this issue. The party that did not initiate the appeal will then have 7 calendar days to submit a written response to the appeal if the Title IX Coordinator determines that the appeal request satisfies the grounds for appeal. Appeals of either finding or sanction appeal will be reviewed by a three-person Appeal Panel of College officials trained in Title IX matters and appointed by the Title IX Coordinator. The Appeal Panel will review the Final Title IX Investigative Report and may interview the Investigator(s) or any other person who participated in the investigation or sanctioning process. The Appeal Panel may uphold the original finding, remand the case to the original Investigator(s) for reconsideration, convene an entirely new Investigation, or recommend reconsideration of the sanction or other corrective actions. The Appeal Panel will deliver its decision within 14 days of receiving the Appeal unless there are extenuating circumstances that require an extension. Upon completion of the Appeal, the Title IX Coordinator will notify the parties contemporaneously/simultaneously (to the greatest extent possible) in writing of the outcome of the appeal and the rationale for the decision. Appeal decisions by the Appeal Panel are final.

G. Records Maintenance

The College will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information of victims of sexual misconduct, interpersonal violence, and stalking.

All files relating to the Final Title IX Investigative Report, Initial Assessment, Voluntary Resolution, Investigation, Sanctions and Appeals will be maintained by the Title IX Coordinator. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

H. Educational Programming

The College will provide the following education programming designed to promote the awareness of Discrimination, Harassment, Sexual Misconduct, Interpersonal Violence and Stalking.

1. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy

- Training on at least an annual basis on the issues related to sexual assault, domestic violence, dating violence and stalking; and

- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

2. Primary Prevention and Awareness Programs

The College will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- a statement that the College prohibits the offenses of discrimination, harassment, sexual misconduct, interpersonal violence and stalking, and a description of the College's policies that prohibit this conduct;
- the definition of consent, in reference to sexual activity, as defined in this Policy and under Illinois law;
- the definition of discrimination, harassment, sexual misconduct, including sexual assault, interpersonal violence, including domestic violence and dating violence, and stalking (or similar offenses) in this Policy and under Illinois law;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of discrimination, harassment, sexual misconduct, interpersonal violence and stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the procedures that a complainant/victim/survivor should follow if discrimination, harassment, sexual misconduct, interpersonal violence and stalking has occurred, as described in this Policy;
- the possible sanctions and protective measures that the College may impose following a final determination of a violation of College policy regarding discrimination, harassment, sexual misconduct, interpersonal violence and stalking;
- the procedures for College disciplinary action in cases of alleged discrimination, harassment, sexual misconduct, interpersonal violence and stalking, as described in this Policy, including the standard of proof that is used;
- information about how the College will protect the confidentiality of Reporting Parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the Reporting Party, to the extent permissible by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee accusers and victims both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the Reporting Party and if such accommodations are reasonably available, regardless of

whether the Reporting Party chooses to report the crime to campus security or local law enforcement.

3. **Ongoing prevention and awareness campaigns**
   The College will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

I. Changes in these Procedures

The College reserves the right to make adjustments and changes in these procedures at any time.

Updated May 2015.