POLICY AGAINST SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, SEXUAL MISCONDUCT, INTERPERSONAL VIOLENCE AND STALKING

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A. Applicable Federal and State Law

This Policy supplements the general Policy statement set forth above and addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"). Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment and sexual misconduct. Sexual misconduct, in turn, includes sexual assault and sexual violence. Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act are two other laws that also prohibit sex discrimination. In addition, the Violence Against Women Reauthorization Act of 2013 requires colleges and universities to have particular policy statements and offer educational programming regarding domestic violence, dating violence, sexual assault, and stalking.

B. Policy Statement Regarding Sex Discrimination

As noted above, it is the policy of the College to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this Policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited by the policies of Knox College as well as state and federal laws. Sexual harassment is contrary to the most fundamental ethical canons of the academic community. This prohibition against discrimination on the basis of sex applies to all students, faculty, and staff, to other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the school.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature where:

● submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity, or
● such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
● such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance.
Examples of such conduct may include repeated comments about a person's physical appearance, sexually suggestive remarks or insults; displays of sexually suggestive material, unwelcome advances such as touching, patting, caressing, kissing or sexual propositions and sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions.

C. Statement on Consent

Consent to engage in sexual activity must be informed, freely given and mutual. Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another. In the state of Illinois, consent can never be given by minors under the age of 17.

- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

- A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

- Consent does not exist if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual contact.

- A person who is incapacitated is not able to make informed decisions or be aware of their consequences and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, individuals are incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of
circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

**Coercion** includes the use of pressure and/or oppressive behavior which places an individual in fear of immediate or future harm or physical injury and/or causes a person to engage in unwelcome sexual activity. Coercion can include, but is not limited to, express or implied threats of harm and severe or pervasive emotional intimidation. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

### D. Definitions of Prohibited Sexual Misconduct and Interpersonal Violence

Knox College affirms its commitment to create and maintain an environment free from acts of sexual misconduct and to foster within that environment respect for the dignity of all members of the community. Accordingly, Knox College will not tolerate acts of sexual misconduct. Prohibited sexual misconduct includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, stalking and dating or domestic violence. The College has drawn the definitions of prohibited sexual misconduct below from related policies of the University of Montana and Amherst College. Prohibited interpersonal violence includes domestic violence and dating violence, as those terms are defined below.

#### 1. Sexual assault means actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery, and sexual coercion. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual assault includes:

- Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.

- Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
2. **Inducing incapacitation for sexual purposes** includes the use of drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact.

3. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

   - Prostituting another person;
   - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
   - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
   - Exceeding the boundaries of consent;
   - Engaging in non-consensual voyeurism;
   - Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
   - Exposing one’s genitals in non-consensual circumstances, or inducing another to expose their genitals;
   - Possessing, distributing, viewing or forcing others to view illegal pornography.

4. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress.

5. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It can include but is not limited to:

   - Battering that causes bodily injury;
   - Purposely or knowingly causing reasonable apprehension of bodily injury;
   - Emotional abuse creating apprehension of bodily injury or property damage.

6. **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 jurisdiction, or 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 jurisdiction. In this document, the term "Interpersonal Violence" refers to dating violence and/or domestic violence.

E. Retaliation
It is a violation of College Policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under this policy or have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempted to stop discrimination, harassment, sexual misconduct, interpersonal violence, or stalking. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

F. Title IX Coordinators
These Coordinators are available to meet with or talk to students, faculty and staff regarding issues relating to this Policy.

Lead Title IX Coordinator
Ms. Kim Schrader
Lead Title IX Coordinator
Old Jail #12
309-341-7751 office | 309-337-6536 cell
kschrade@knox.edu

The Lead Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this Policy.

Deputy Title IX Coordinator
Ms. Laura Schnack
Associate Dean of Students
Old Main 101A
309-341-7493 office | 563-357-3141 cell
llschnack@knox.edu

As Deputy Title IX Coordinator, Ms. Schnack is responsible for implementing and monitoring Title IX compliance at the College and for notifying the Lead Title IX Coordinator of any alleged
or suspected violations of this Policy and the resolution of such alleged or suspected violations, regardless of whether a grievance is submitted.

G. **Changes in this Policy**

The College reserves the right to make adjustments and changes in this policy at any time. Updated May 2015.