A RESOURCE GUIDE FOR STUDENTS ON SEXUAL MISCONDUCT: CAMPUS POLICIES, PROCEDURES AND SERVICES
2017-2018
1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following for immediate assistance:

**On-Campus CONFIDENTIAL Reports During Business Hours:**
- *Tim Morenz*, Director of Counseling Services:
  217-854-5759, Student Life 133, tim.morenz@blackburn.edu
- *Peer Counselors*—contact Counseling Services in Student Life

**On-Campus Reports During Business Hours:**
- *Abbey Hardin*, Student Life Deputy Coordinator:
  217-854-5586, Student Life 125, abbey.hardin@blackburn.edu
- *Morrie Fraser*, Director of Campus Safety:
  217-854-5550, Student Life 123, morrison.fraser@blackburn.edu
- *Melissa Jones*, Title IX Coordinator:
  217-854-5514, Ludlum 215, HR@blackburn.edu

**On-Campus Emergency On-Call—24 hours/day:**
- *Resident Director On-Call*: 217-825-7504
- *Campus Safety On-Call*: 217-825-3042

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

**Off-Campus Crisis Hotlines (available 24/7)**
- 1-800-656-HOPE (Rape, Abuse and Incest National Network)
- 1-217-753-8081 (Prairie Center Against Sexual Assault)
- 1-800-799-7233 (Domestic Violence Hotline)
- 1-800-227-8922 (Sexually Transmitted Disease Hotline 8 a.m. - 8 p.m. Monday - Friday)

**Individual and Group Counseling**
- 1-217-854-3166 (Locust Street Resource Center)
- 1-217-839-1526 (Maple Street Clinic)
- 1-217-854-4511 (Catholic Charities)
- 1-217-753-8081 (Prairie Center Against Sexual Assault)

**Other Help Lines**
- 1-800-552-6843 (U.S. Attorney General for Hate Crime Reports)
- 1-800-552-7096 (Child Abuse Hotline)

**Medical Issues**
- 1-217-839-1526 (Maple Street Clinic)
- 1-217-544-2744 (Planned Parenthood—Springfield)
4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

5. Choose how to proceed. You have options, and are encouraged to contact the Student Life Title IX Deputy Coordinator or Director of Counseling Services to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the College; and/or 3) Initiate criminal proceedings and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the College, formal reports can be made to the Student Life Title IX Coordinator, Director of Campus Safety, or the Title IX Coordinator. Those who wish incidents to be handled criminally should contact the local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Student Life Title IX Deputy Coordinator for more information about this option.
To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

CONFIDENTIAL REPORTING

The only employees who are NOT mandated to report are the Director of Counseling Services and Peer Counselors. These employees serve as confidential resources for reporting parties and can provide options for off-campus resources. Local resources such as crisis centers are also confidential and have no duty to report your information to the College.

Peer Counselors, as student staff, must inform the Director of Counseling Services when notice is received; however, this information will be treated as confidential and not shared with Student Life Title IX Deputy Coordinator, Title IX Coordinator, or any Designees.

Additionally, anonymous reports can be made by survivors and/or third parties using the Campus Conduct reporting hotline at 866-943-5787 or online at blackburn.edu/titleixreports. Note that these anonymous reports may prompt a need for the institution to investigate. However, the anonymity of the report may hinder a thorough investigation.

MANDATED REPORTING

All College employees who are not designated above as confidential are mandated reporters for all the details of which they are aware about an incident. They share this information with the Student Life Title IX Deputy Coordinator and/or Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College’s resolution procedures, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Student Life Title IX Deputy Coordinator provide you with remedies and resources without initiating a formal resolution process. The Deputy Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused. In cases where your request for confidentiality is granted, the College will offer you available resources, support, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.
P O L I C Y

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking, are violations of College Conduct Code and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act, mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of State law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College’s sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose serious sanctions, as noted on the next page.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The College has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on or off campus. For more details on this policy, please visit: blackburn.edu/student-handbook

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it at blackburn.edu/parents-families/safety

SEXUAL MISCONDUCT VIOLATIONS

Sexual Harassment

Sexual harassment is:
- Unwelcome
- Sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Student Life Title IX Deputy Coordinator or Title IX Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment will be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.
A Hostile Environment is Created When Sexual Harassment is:

- Sufficiently severe, or
- Persistent or pervasive, and
- Objectively offensive that it:
- Unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the college’s educational and/or employment, social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- A person having power or authority over another constitutes sexual harassment when:
  - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s education [or employment] progress, development, or performance
  - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program

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 includes:
  - 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.

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.

Intimate Partner Violence

Defined as violence or emotional and/or psychological abuse between those in an intimate relationship to each other.
Sexual Exploitation

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

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in 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;
- Intentionally or recklessly exposing one’s genitals in non-consensual circumstances;
- inducing another to expose their genitals;

Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Stalking

Stalking 1:
- A course of conduct
- Directed at a specific person
- On the basis of actual or perceived membership in a protected class
- That is unwelcome, AND
- Would cause a reasonable person to feel fear

Stalking 2:
- Repetitive and menacing
- Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

Retaliation

Retaliation against anyone involved in a case or report of discrimination or harassment behaviors of any kind is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint of discrimination or harassment is substantiated. Encouraging others to retaliate also violates the policy.

Examples include, but are not limited to:
- Unfair assignment, grading or evaluation
- Having information withheld or made difficult to obtain in a timely manner, such as class information, grades or work assignments
- Ridicule (public or private)
- Oral or written threats or bribes
- Refusal to meet with the person even though the person has a right to do so
SURVIVOR
You may choose one or more options. We encourage medical treatment for all options.

OPTION 1: Medical Treatment and optional medical collection at hospital emergency room.

OPTION 2: Non-Confidential Report to any responsible employee/mandated reporter.

OPTION 3: Confidential report at College Counseling Services

OPTION 4: Report to local police department.

OPTION 5: Confidential report through community sexual assault advocacy agency.
Local Police and local sexual assault advocacy agency respond to hospital. Provided options to speak to one or both and receive services.

Referred to Student Life Title IX Deputy Coordinator for investigation.

Provided option to receive on-campus support services.

Provided options to seek medical treatment and optional evidence collection at hospital emergency room.

Provided option to receive sexual assault advocacy locally.

Local police and sexual assault advocacy agency respond to hospital. Provided options to speak to one or both and receive services.

Provided options to seek medical treatment and optional evidence collection and hospital emergency room.

Provided option of reporting the incident to local sexual assault advocacy agency and/or college.

Provided option of working with college to receive on-campus accommodations.

Provided option of reporting to local police department.
Consent:

- Clear, and Knowing, and Voluntary [or affirmative, conscious and voluntary]
- Words or actions that give permission for specific sexual activity
  - Consent is active, not passive.
  - Silence, in and of itself, cannot be interpreted as consent.
  - 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 cannot automatically imply consent to any other forms of sexual activity.
  - Previous relationships or prior consent cannot imply consent to current or future sexual acts.
  - Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
  - In order to give consent, one must be of legal age (17 years or above).
  - Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - A person’s manner of dress does not constitute consent.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- 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, possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student or employee is a violation of this policy. More information on these drugs can be found at www.911rape.org.

YOUR RIGHTS

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Blackburn College’s Sexual Misconduct Policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act (VAWA), and the Clery Act mandate how institutions respond to such allegations.
Many types of sexual misconduct also constitute violations of Illinois law. It is the responsibility of Blackburn College to take immediate and effective corrective action if the college has notice of a sexually hostile environment or gender-based harassment. Blackburn College has notice if a responsible employee knew, or in the exercise of reasonable care, should have known about the harassment. In these cases, Blackburn College will take the following corrective actions:

- Eliminate the harassment and hostile environment
- Prevent its recurrence
- Address its effects

Members of the college community, guests and visitors have the right to be free from all forms of discrimination. 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 discrimination based misconduct. 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 establish a mechanism for determining when those expectations have been violated.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the Annual Security Report at [blackburn.edu/parents-families/safety/](http://blackburn.edu/parents-families/safety/)

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**REMEDIES**

The College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students’ rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation assistance
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Issuing interim suspensions pending a hearing
- Reporting incidents to local police and/or prosecutors
- Referring to counseling and health services
- Referring to the Employee Assistance Program
- Providing education to the community
- Altering the housing situation of the reporting or responding party

These measures are available regardless of whether a reporting party seeks formal resolution or makes a criminal report.
INTAKE

A College official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, stalking, and how to conduct an investigation and hearing process that protects the safety of survivors and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of the reporting party, consistent with federal law. Title IX related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the reporting party, to the extent permissible by law.

PRELIMINARY INQUIRY

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Student Life Title IX Deputy Coordinator, in consultation with the Title IX Coordinator, taking into account the nature of the allegations and the reporting party’s wishes. If the decision is made to move forward, the coordinator refers the allegations to investigators.

INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is fair, impartial, timely and thorough. They will interview reporting and responding parties and witnesses, and prepare reports with their findings. Information about all the steps in the investigative process is available at blackburn.edu/student-handbook.

HEARINGS

The Conduct Hearing Board will have the opportunity to question the investigators before and/or during hearings. The Conduct Board will make a determination based up the preponderance of evidence and determine sanctions, citing clear evidence to support its decisions. The panel may additionally return the report to investigators for modification. The parties may make opening and closing statements to address the issues raised in the investigators’ report. If a party is found responsible for a policy violation, the panel may review a written impact statement, which can include desired sanctioning outcomes.

STANDARD OF EVIDENCE

The College uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.
PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

APPEALS

All student, faculty, or staff involved in sexual misconduct proceedings may appeal decisions within 48 hours on the basis of the grounds permitted by College’s policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See the B-Book for further details.

RISK REDUCTION

RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and the College fully recognizes that only those who commit sexual misconduct are responsible for their actions, the College provides the following suggestions to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

REDUCING THE RISK OF VICTIMIZATION

- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor’s physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.
REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says “no,” accept it and don’t push. If you want a “yes,” ask for it, and don’t proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what’s OK in any interaction, ask.
- Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others’ loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your gender, physical size, or a position of power or authority you may hold.
- Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.
BYSTANDER INTERVENTION

The College offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

COMMUNITY TASKFORCE

A committee of student, faculty, and staff members of community agencies meets regularly to survey the campus climate in relation to sexual misconduct. The group focuses on ensuring campus compliance with relevant policies and laws, prevention, and education.

VAWA/CLERY TRAINING

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

ONGOING CAMPAIGNS

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

REPORTING CONTACT

Dean of Students & Student Life Deputy Coordinator
Abbey Hardin
217-854-5586, Student Life 125, abbey.hardin@blackburn.edu

Director of Campus Safety
Morrie Fraser
217-854-5550, Student Life 123, morrison.fraser@blackburn.edu

HR Coordinator & Title IX Coordinator
Melissa Jones
217-854-5514, Ludlum 215, HR@blackburn.edu

CONFIDENTIAL RESOURCES

Director of Counseling Services
Tim Morenz
217-854-5759, Demuzio 133, tim.morenz@blackburn.edu

Peer Counselors
Counseling Services
Department of Student Life
A report is made to the Student Life Title IX Deputy Coordinator, Title IX Coordinator or HR Designee

Preliminary Inquiry takes place

Insufficient Evidence to proceed

Investigators are assigned, notice is made to all parties, and investigation begins

Informal Resolution
Non-Violent cases where sufficient evidence is present and both parties DO NOT agree

Notice is made to all parties

At the end of an investigation, Investigators will submit their reports to the Hearing Body

Violent cases where sufficient evidence is present

Investigators will meet with the Hearing Body to discuss any further need to investigate or offer clarification

A Hearing is convened

Policy was NOT violated

Policy was violated

Sanctions are given

Notice is made to all parties

If desired by the responding party, appeal is made to Provost

Notice is made to all parties

Notice is made to all parties

If desired by the reporting party, appeal is made to Provost

Notice is made to all parties