



**Annual Security  
and Fire Safety  
Report**

**2020**

**700 College Avenue  
Carlinville, IL  
62626**

# **Campus Community and Safety Department**

## **Annual Security and Fire Safety Report 2020**

### **Table of Contents**

Letter from the Department	3
Clery Act	4
Grievance Procedures	5
Emergency Alert System	6
Student Responsibilities	7
On Campus Housing Fire Safety and Equipment Statistics	8
Fire Safety Violations	9
Controlled Substance and Alcohol Regulations	9,10,11,12
Alcohol Violation Consequences	12,13,14
Equal Employment Opportunity and Title IX Nondiscrimination	15-33
Statements and Policies	
Crime Statistical Report Information	33,34,35
Crime Statistics	35-47

## Letter from the Safety Department

We are pleased to present the 2020 Blackburn College Safety Department Annual Security and Fire Safety Report. The report has been prepared to provide important information to the campus community, as well as prospective students and their parents. While we are required to report statistics on crime and fire safety, it is also our goal to provide information on the many ways we strive to keep our community safe.

The 2019 report contains information regarding crime prevention programs offered, as well as tips on how to keep yourself and your possessions safe. Also included in the report are instructions on reporting crimes and emergencies, the Blackburn College crime statistics, and security related policies.

As you will see from reviewing the statistics contained in this report, Blackburn College is a very safe campus. We can attribute much of this to the fact Blackburn is a small community comprised of students, faculty, and staff who know and watch out for each other. We like to think of Blackburn as a large family with everyone contributing to the betterment of the community. We rely on every member of the community to report suspicious situations immediately to the Safety Department or the local police and make wise decisions that keep both themselves and others safe.

Campus Community and Safety is comprised of not only members of Safety team, but includes all of the Residence Life staff. This includes building Resident Directors and Resident Assistants. The department works together and employs numerous strategies in its mission of maintaining a safe environment for students, faculty, staff, and visitors to the Blackburn Campus. Blackburn Campus Community and Safety works closely with local law enforcement to provide quick and appropriate response to various calls for service.

Blackburn Safety assigns team members to patrol campus beginning at 5:00 p.m. and shifts run as late as 1:00 a.m., depending on the day of the week. There is always a safety on call person ready to respond to calls for service. The Safety Department also provides services to include:

- Locking and unlocking of buildings
- Escorts on campus
- Lighting and building security checks
- Traffic control
- Parking management and enforcement
- Enforcing college rules and regulations
- Special details to include all sporting events
- Investigation of complaints
- Patrolling campus

If you have questions regarding the Campus Community Safety Department, you may call the Safety office at 217-854-5550. You may also contact me at [tdowdy@blackburn.edu](mailto:tdowdy@blackburn.edu).

Tod O. Dowdy

Director of Campus and Community Safety

## WHAT IS THE CLERY ACT?

Its official name is: The Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act. This Act is a landmark federal law and was signed in 1990. Originally known as the Campus Security Act, it requires that colleges and universities across the United States disclose information about crime on and around their campus. The law was amended in 2000, and the amendment went into effect in 2003, and now requires schools to inform their campus community about where public "Megan's Law" information concerning registered sex offenders on campus can be obtained.

### **The Campus Security Act requires colleges and universities to:**

1. Publish an annual report every year by October 1 (or date otherwise designated by the federal government), that contains three years of campus crime statistics and certain campus security policy statements
2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, certain non-campus facilities, and remote classrooms. The statistics must be gathered from campus safety, local law-enforcement, and other college officials who have "significant responsibility for student and campus activities"
3. Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to students and employees"
4. Disclose in a public crime log any crime that occurred on campus or within the patrol jurisdiction of the campus safety department, and is reported to the safety department
5. Maintain in a public fire log, a record of any fire that occurred in an on-campus student housing facility.

The Blackburn College Safety Department is responsible for preparing and distributing this report. Crime statistics are compiled based on incidents reported to the Safety Department as well as other campus safety authorities. The Blackburn Safety Department meets annually with local, county, and state agencies to acquire more in-depth statistics.

### **Reporting Criminal Incidents and Other Emergencies**

Blackburn College strongly encourages anyone who is a victim of or witness to a crime to promptly report the incident to Campus Safety. Students, employees and guests should immediately report crimes in progress, accidents, and other emergencies by dialing 9-1-1, by contacting Campus Safety office at 217-854-5550, or the Safety on Call phone at 217-825-3042

#### **Campus Safety Office Location**

-The Demuzio Campus Center (D.C.C.)

## **Tips for Reporting Crimes or Emergencies**

### **1, Don't Hang Up**

-Stay on the line unless doing so places you in immediate danger. 9-1-1 operators are trained to get as much information as possible to determine the nature of the problem and its seriousness. On emergency calls, the operator already has sent the information to a dispatcher while continuing to ask additional questions. Stay on the line and answer the operator's questions until he or she terminates the call.

### **2. Be Ready to Give Your Location**

-Learn the campus, especially the areas you frequent. Take note of parking lot names, (eg. Butler, Hudson, D.C.C.) building names, and landmarks which will help a law enforcement officer or Campus Safety Officer find you.

### **3. Provide as Much Detail As Possible**

-When describing a person, try to take note of age, height, weight, hair color, clothing description, mode and direction of travel. When describing a vehicle, try to include make, model, color, license plate number (even if just a partial). If your property is stolen, provide a complete description, times you left the property and discovered it missing, serial and model numbers (if known), estimated value, and any other information that could assist in recovery.

### **4. If the Situation Changes Before Help Arrives, call 9-1-1 or Campus Safety Again and Update the Operator**

## **GRIEVANCE PROCEDURES**

Civil Rights & ADA violation grievance policy

- All complaints should be filed with the Dean of Students, in writing, within 15 business days of the alleged violation.
- The written complaint should briefly describe the alleged violation.
- An investigation shall be conducted by the Dean of Students or their designee.
- A written determination as to the validity of the complaint and a description of the resolution shall be issued by the Dean of Students no later than fifteen (15) working days after its filing.

### **Other Grievance Procedures**

A student who has a complaint which falls outside the jurisdiction of the disciplinary system, the harassment policy or academic matters should contact the Director of Residence Life or Dean of Students for guidance in making a written complaint. The Director of Residence Life or Dean of Students will offer mediation as an informal means of resolution. If the student chooses a formal resolution of the matter, the Director of Residence Life or Dean of Students will contact the appropriate hearing board.

Major, written complaints submitted by students to the College President, V.P. for Finance/Administration, Provost, and the Dean of Students must, by regulation, be recorded and shared with the College's accrediting commission. The identities of the student filing the complaint and any other individuals involved in facts of the complaint will be shielded in order to protect confidentiality.

## **EMERGENCY ALERT SYSTEM**

Blackburn College, in order to maintain a safe campus environment, has an emergency notification system. Students are asked at the beginning of each year to update their contact information. At that time, they will be signed up for the emergency notification system. When the students sign up, they will be notified through text messaging and/or email of any serious emergency situation on campus.

If a student does not receive emergency alerts, and would like to receive them, they should stop by the Student Life offices in the Demuzio Campus Center and speak with Director of Campus Community Safety, Tod Dowdy.

It is Blackburn College policy to issue emergency notification alerts in an effort to notify students and faculty members about certain crimes in and around our community in a timely manner. For the purposes of this policy, "timely manner" means that upon confirmation by college administrators, the campus community will be immediately notified of any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff. Warnings may only be withheld if they would compromise efforts to contain the emergency. Blackburn College complies with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act as mandated by the Department of Education.

The Blackburn emergency notification system will only be used in significant emergency or dangerous situations involving an immediate threat. Frequent, non-emergency use of this system might compromise its effectiveness in a serious emergency situation. The emergency notification system will be used to provide instructions and information to all or an affected segment of the student population who have opted into the system before, during and after a situation where student health and safety may be compromised due to a natural disaster, criminal activity, and/or public health threat.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Safety Director or his/her designee, constitutes a serious or continuing threat to the Campus Community or to those in the immediate area, a campus wide "timely warning" will be issued. The Campus Safety Director or his/her designee will consider whether a timely warning is issued on a case-by-case basis in light of the circumstances and facts surrounding a crime, including factors such as:

#### **The Nature of the Crime**

-Crimes falling under the categories of "Clery Act Crimes" which represent a serious or continuing threat to the Campus Community.

-Other crimes involving serious bodily injury or the threat of bodily injury

#### **The Continuing Danger to the Campus Community**

-Suspects have not been identified or apprehended

-There is a pattern of crimes against persons or property and a timely warning will help members of the campus community protect themselves and/or their property

#### **Any Circumstance in Which a Timely Warning Will Aid in the Prevention of Similar Occurrences**

-Should the Campus Safety Director or his/her designee decide to issue a timely warning, the warning will include information that will promote safety and aid in the prevention of similar crimes. The timely warning will also include known information about the crime that triggers the warning, which may include the date and time the crime occurred, the location, and the type of crime which occurred.

-The Campus Safety Director or his/her designee, in determining the content of a timely warning notice, will consider whether information may compromise law enforcement efforts, for example, by disclosing law enforcement tactics or policies.

-Under current Blackburn College policy, the Campus Safety Director or his/her designee may use the following to issue a timely warning:

The Blackburn College email system to students, faculty, and staff

The Blackburn College student and employee text messaging/phone call system

## **STUDENT RESPONSIBILITY**

The cooperation, involvement, and personal support of students in campus safety is crucial to the overall safety of the campus. Students must assume responsibility for their own personal safety and the security of their personal belongings by taking, simple common-sense precautions. The students' awareness of their environment and their surroundings is the best place to start.

Residence Halls:

- Do not prop open the exterior door of your residence hall.
- Always lock your door; even if you leave for a few minutes.
- Close and lock your windows when you leave.
- Take care of your keys and identification cards. Do not loan them out or give anyone a chance to take them from your room.
- Don't leave your valuables, like your wallet, checkbook, or jewelry, in open view.
- Close your blinds or shades in the evening.
- Engrave electronic items and record serial numbers of expensive items.
- Look out for your fellow students.
- Report any suspicious activity and crimes to the Safety Department.

While traveling on and off campus:

- Be aware of your surroundings. Trust your instincts.
- If you have a cell phone, have it accessible and have the Carlinville Police Department programmed in.
- Do not leave valuable items visible in your vehicle.
- Always roll up your windows and lock your doors before leaving your vehicle.
- Walk with others to your vehicle whenever possible.
- Carry your keys in hand when you approach your vehicle.
- Look around and check the back seat of your vehicle before entering.
- Upon entering your vehicle immediately lock all doors.
- If you are involved in a minor collision in an isolated area, you may want to drive to a well-lit and populated area before stopping to assess your damage.
- Never pick-up hitchhikers.
- While driving, if you notice that you are being followed drive to the nearest open store, service station, police station etc. for help. Blow your horn to draw attention to yourself. Try to get a description of the car following you and its license plate number.

## **SECURITY AND ACCESS TO FACILITIES**

Blackburn College provides separate residence hall-style housing for both men and women. Students are issued a set of keys to the entry doors and their individual residence hall room during the registration process. All keys are collected and accounted for at the end of each school year.

All exterior residence hall doors are locked at all times. We also strongly encourage residents to lock their individual room doors whenever they leave - even for a short period of time.

Within the restraints of established policy, overnight guests are permitted in the residence hall provided approval is obtained from the Resident Director.

Campus safety officers, working with the Physical Plant Department, constantly monitor the exterior lighting on campus. Lights discovered not properly functioning are promptly reported to the Physical Plant Department and the necessary repairs are made. Physical Plant also monitors areas of the facilities that directly impact campus safety, such as doors, locks and broken windows.

**Residence Halls**

This report is published by Blackburn College in compliance with the Higher Education Opportunity Act of 2008 and applies to student housing at the college.

**ON CAMPUS HOUSING FIRE SAFETY EQUIPMENT AND STATISTICS**

Blackburn College has six student residence halls. The chart below indicates the fire events for the past three calendar years as well as statements of fire safety equipment in each hall. Fire alarm systems are independent to each residence hall. When an alarm is activated local alarms sound throughout the residence hall and local fire department and police department are notified through the present alarm system company.

Residence Directors (RDs) and Residence Assistants (RAs) immediately start the evacuation process, assess the situation and if needed call the Carlinville Fire Department.

Fire Statistics (Last 3 Calendar Years)				
Residence Hall	Total Number of Fires	Fire Related Deaths	Fire Related Injuries	Amount of Property Damage
Jewell Hall	0	0	0	0
Graham Hall	0	0	0	0
Jones Hall	0	0	0	0
Butler Hall	0	0	0	0
Stoddard Hall	0	0	0	0
Challacombe	0	0	0	0

- All residence halls and academic buildings are outfitted with a Simplex Fire Alarm System. All residence hall rooms are outfitted with a smoke detector and a sprinkler system.
- The Physical Plant inspects the campus at least once a year to ensure the campus meets all fire codes.
- Residence Life staff inspects all fire extinguishers daily to ensure the extinguishers are up to date and in proper working order.

**Supervised Fire Drills**

Fire and evacuation drills are conducted in the residence halls each semester. The drills are supervised and conducted by the Safety Director, Residence Directors, and Residence Assistants. Students must participate in the fire drills. It is a violation of the college conduct code to not evacuate during a drill.

**Evacuation Policy and Procedures**

All students must evacuate a residence hall when a fire alarm sounds. The RDs and RAs living in each hall assist in the evacuation process. Residents are instructed on the location of the assembly area for their hall by the RAs. Residents are not permitted to re-enter the building until the "all clear" is given by a campus official or the Fire Department. Should weather conditions be inclement or the situation prohibits a timely re-entry, evacuated students will be temporarily relocated to another campus building. Evacuation routes are posted on the



emergency placards located on the door of each residence hall room. Students should become familiar with multiple evacuation routes out of their building and leave from the nearest safe exit. Students evacuating should take only important personal possession within their immediate vicinity as well as shoes and outer clothing suitable for the weather. RDs, RAs and students are to assist individuals with disabilities. If someone cannot be evacuated due to an injury or disability, notify the first emergency responder encountered as you are leaving the building.

### **Fire Safety Violations**

The Blackburn College B-Book contains information on residence hall policies. Every year, each student is issued a copy of the book when arriving on campus. RD's and RA's conduct health and safety inspections of residence hall rooms on a periodic basis each semester. Listed below are fire safety guidelines and prohibitions.

Nothing may be hung from or attached to ceilings or other horizontal surfaces above the head.

- Nothing may be hung or draped over electrical outlets, smoke detectors, lamps, or other items with the potential to ignite the item through excessive heat exposure.

Electrical outlets and extension cords may not be overloaded.

- All extension cords must be UL (Underwriter Laboratory) certified and should not run across open areas of the floor.
- Surge protectors should be UL approved. Instead of extension cords, use surge protectors for multiple plugs. Surge protectors should not be linked to other surge protectors or be placed underneath carpets.
- Candles (including the wickless variety), incense or any other flames are prohibited in residence hall rooms or common areas. Evidence of violations will result in disciplinary action.
- The use of halogen and plastic multi-colored floor lamps is prohibited in residence hall rooms or common areas. Having such lamps will result in disciplinary action and immediate removal of the lamp.

The use of cooking appliances in the residence halls with the exception of small coffeemakers in the residents' rooms and hot-pots in the laundry rooms is prohibited.

Ironing is not permitted in residents' rooms. Ironing boards are provided in each hall's laundry room. Students are responsible for providing their own automatic shut-off iron.

- No flammable materials or equipment that contains flammable materials (such as camping stoves, lanterns, etc.) may be stored in residence halls.

Live Christmas trees are not allowed in residence halls. Residence Life staff in each building will provide guidelines for holiday decorations to residents.

- Keep room clear of fire hazards that are created through the accumulation of potentially flammable materials such as newspapers, magazines, boxes, etc.
- SMOKING is not permitted in any residence hall.
- Fireworks, flammable liquids or other hazardous materials are not permitted in Residence Halls.
- Tampering with fire alarm or fire protection systems or deliberately causing a false fire alarm are violations of the student conduct code and students found responsible are subject to strict sanctions.

### **CONTROLLED SUBSTANCES REGULATIONS**

The College takes a firm stand on the use and abuse of controlled substances and has set forth the following policy in regard to students who are found to be in possession of or suspected to be under the influence of controlled substances:

1. If Campus Community & Safety or residence hall staff suspect a student to be in possession or under the influence of controlled substances, that suspicion will be documented.
2. If any one student (or group of students) is suspected of controlled substance use multiple times, the College reserves the right, with proper prior documentation, to employ any of the following to confirm that suspicion:

- a. Perform a search of the student's room and person
  - b. Employ trained canine search teams to search a residence hall floor or wing or the car(s) of suspected student(s) parked in campus parking lots
  - c. The Dean of Students (or designee) may require the suspected student(s) to submit to a drug test to verify that the student is drugfree
3. Students found responsible for illegal possession, use, or distribution (including sale) of controlled substances will receive at a minimum:
- a. A minimum of a \$150 fine,
  - b. A minimum of 1 semester and a maximum of 1 year of social probation,
  - c. The requirement to submit to and pay for a formal drug abuse assessment,
  - d. Notification of parent(s)/guardian(s) (dependent students).
  - e. Be required to submit to and pay for random drug screenings during the period of probation to verify they are staying drug free.
  - f. In addition, in cases where controlled substances and/or drug paraphernalia are found, local law enforcement authorities may be notified.

Although medical and recreational marijuana is allowed in the state of Illinois, there is a federal restriction on any controlled substances as part of the federal Drug Free Schools and Communities Act which is tied to federal financial aid. Blackburn therefore prohibits medical or THC infused products on campus.

## **ALCOHOL REGULATIONS**

Blackburn College is committed to providing an education that promotes personal growth and lifelong learning. The alcohol policy stems from this commitment, and has been developed with the following tenets in mind:

Students are adults and are obligated to obey the law and take personal responsibility for their conduct. Blackburn College students are encouraged to not only watch out for themselves, but the safety and well-being of others.

The costs of alcohol abuse to members of the college community are high. These costs include, but are not limited to, physical and emotional health problems, poor academic performance, and campus crime and violence.

Disciplinary sanctions are the penalties imposed upon those who make the choice to violate policy. The severity of the sanctions reflects the College's responsibility to uphold the law, and protect members of its community from the harmful consequences of alcohol abuse.

The alcohol policy and resulting disciplinary penalties are set up separately from the College's Disciplinary System due to the number and nature of alcohol violations dealt with each year. In cases involving violations of both the alcohol and other College policies, additional restrictions or other conditions may be enforced, depending upon the nature and seriousness of the misconduct and the student's overall behavior and college performance.

**BE AWARE-Any** violation of the following regulations will be considered an offense and the penalties outlined for alcohol violations will apply.

1. Consumption or possession of alcoholic beverages by persons less than 21 years of age is prohibited. Intoxication by students of any age will result in a violation.
2. Intoxication is defined as being under the influence as determined by Illinois State Law. This is defined at Blackburn by a Blood Alcohol Concentration (BAC) of .08 for students 21 years of age & older and a BAC of anything above .000 for students under 21.
3. Students who are 21 years of age and older may possess and consume alcoholic beverages in the confines of their own room (or other rooms where one resident is of legal age and present) if they have

approval of their roommate. All other alcohol regulations must be followed. The individual(s) present at the time of the incident (resident, commuter, or guest) will be held accountable for any alcohol violations taking place in his/her room along with any other students determined to be violating policy. Behavior resulting in violation of College policy attributed to the influence of intoxicants may be cause for disciplinary action (under both the code of student conduct and these alcohol regulations). Any 21-year-old or older student who supplies alcohol to anyone under the age of 21 will receive an offense. Public intoxication is prohibited and will result in an alcohol violation.

4. Only beer, wine, wine coolers, and malt beverages may be consumed by those of legal age.
  - a. Beer kegs are prohibited (including pony kegs, party balls, and similar large multi-serving containers).
  - b. "Hard" liquor is prohibited on campus.
  - c. "Trophies" (empty hard alcohol containers) are prohibited on campus.
5. Possession or consumption of alcoholic beverages in public areas is prohibited. Public areas are defined as any College property outside of students' residence hall rooms. Students of legal age may transport unopened containers of alcohol to their residence hall room or the room of another student of legal age. Requests for exceptions will be reviewed and may be permitted by the Student Life Office with the approval of the Office of the President. Alcohol consumption, in all cases where exceptions are made, will be allowed only in designated areas.
6. Students suspected of an Alcohol Policy violation:
  - a. Students who are 21 years of age or older and who violate College policy and are suspected of intoxication may be held responsible for an alcohol violation. In such a case, the student(s) may request to take a Breathalyzer test to prove he/she is in compliance with College policy.
  - b. Underage students who are suspected of consumption or intoxication may request to take a Breathalyzer test to prove they are in compliance with College policy.
  - c. Students suspected of violating the alcohol policy that refuse to take a Breathalyzer test when requested by authorized College Staff to do so will be held responsible for an alcohol violation.
  - d. Behaviors that warrant suspicion of intoxication include but are not limited to: scent of alcohol, belligerent behavior, slurred speech, impaired mobility.
7. A member(s) of the Student Life Department can make a request to the Dean of Students to have alcohol prohibited on certain wings or in-residence halls where documented alcohol related problems have occurred. The Student Life Committee will vote on the measure and, if necessary, set a period of prohibition.
8. All persons will be held responsible for their conduct regardless of their state of mind.
9. College funds (defined as any funds that are received by the College or by any College representative on behalf of the College) may not be used to purchase alcohol without the express permission of the President or designee, and even then, within clearly defined purposes and limits.
10. The Student Life Committee may review the alcohol policy at any time and recommend changes (with review by the Student Senate) to the Office of the President Staff to be voted upon and incorporated in the following academic year.
11. All off campus guests must obey the alcohol policies as well as other college rules and regulations. Students will be held responsible for their guest(s), which means students may receive an alcohol violation for the actions of their guest(s).
12. Process for allowing alcohol consumption in public areas:
  - a. Any registered campus club or organization can petition to the student life committee to sponsor an event where alcohol is to be served to those who are 21 years of age or older.
  - b. Approved events will be limited to 2 events per month-events will be approved on a first come basis.
  - c. The event must have a "theme" or "focus" beyond simply gathering to drink alcohol.
  - d. The SLC must approve the event at least 2 weeks prior to the event.
  - e. The club or organization sponsoring the event must hire Sodexo to serve as the bar provider for the event.

- f. The bar will be a cash bar and can only serve beer, wine, and wine coolers.
- g. The bartenders will only be allowed to serve one alcoholic beverage to one person per visit to the bar. Those who purchase alcohol must show an arm band to verify that they are 21 years of age.
- h. Anyone found to be providing alcohol to a person who is under the age of 21 will be cited for a violation of the alcohol policy.
- i. No other alcohol will be allowed to be brought into the event venue.
- j. No alcohol will be allowed to be taken out of the event venue.
- k. A volunteer full-time college employee who has participated in event monitoring training must be engaged to serve as the entrance monitor. This person's responsibility is to:
  - Check the 21-year-old list (provided by student life) or photo ID of guests & affix arm bands to those who are 21 and wish to purchase alcoholic beverages.
  - Monitor the condition of those arriving and refuse an arm band to any who appear at the "check in" table as being intoxicated (evidenced by belligerent behavior, slurred speech or impaired mobility). If any individual is refused an arm band, they could attend the event but would be restricted from purchasing alcohol.
- l. An off-duty Carlinville Police Officer or, if available, 2 campus safety staff members must be hired by the sponsoring organization to oversee the party and help with crowd control, help assure no one is bringing in or taking out alcohol, and help ensure no underage students are consuming alcohol.
- m. It is expected that the advisor of the sponsoring organization will be present at the event, along with 2 volunteering members of the sponsoring organization. These people will assist safety in monitoring the event.
- n. The sponsoring organization must provide a non-alcoholic beverage at no cost to attendees and food for the event-at no cost to attendees (a minimum of \$50 must be spent on food for the event). Food and non-alcoholic beverage service must be arranged through Sodexo.
- o. Events can be only 3 to 4 hours in duration.
- p. Those approved to purchase alcohol can purchase a total of six (6) 12-ounce beers, or six (6) 5-ounce glasses of wine or six (6) 12-ounce wine coolers.
- q. The bartender or monitor will mark each purchaser's arm band with the number of alcoholic beverages purchased.
- r. The venue must be cleaned to the condition prior to the event no later than 1 hour after the end of the event.
- s. Venues will be limited to DCC Commons, Woodson or Jaenke and must be reserved with Auxiliary Services at least 2 weeks in advance. Other venues could be considered as exception but only if the venue suggested allows for clear distinctions for entrance and monitoring.
- t. Events will only be approved for Friday night's/Saturday mornings and Saturday nights/ Sunday mornings and each event must end no later than 1:00 a.m.
- u. Guests will be limited to only 100 in the venue at any one time.
- v. Policy for non-Blackburn student guests-numbers must be limited to no more than 2 per current student and any guest MUST have a current student as a host.
- w. Any violations of the alcohol policy will result in an offense for the student violating the policy. In addition, if it is evident that the sponsoring club or organization was negligent in upholding these event regulations, the club or organization will be prohibited from hosting future events with alcohol for the next calendar year.

### **Alcohol Violation Consequences**

Student violations of the Alcohol Regulations will minimally result in the consequences listed below. The below listing of behaviors is simply a sample listing and not exhaustive or all inclusive. **Offenses will be judged on a case-by-case basis.** Therefore, students participating in behaviors that appear to be similar may be assigned to different LEVELS and be subject to different consequences. Students of any age found in violation of alcohol policy

guidelines with a high Blood Alcohol Concentration (BAC) may be assigned to a higher level---even if it's their first offense.

Determination of the assigned LEVEL will be made by the Assistant Dean of Students or other professional staff designee. The accused student will meet with the Assistant Dean (or designee) to discuss the incident and will be an active participant in helping determine the appropriate LEVEL. If it is determined that LEVEL 1 or LEVEL 2 is appropriate, the Assistant Dean (or designee) will work with the student to determine appropriate consequence(s). If it is determined that LEVEL 3 or LEVEL 4 is appropriate, the student will be referred to the Dean of Students for an administrative hearing.

\*If the Director of Residence Life must be excused due to involvement with administering the alcohol offense, any professional member of the student life staff will step in for the hearing.

Alcohol offenses stay on a student's record for the entire time of their enrollment. When a student receives a 2nd or 3rd alcohol offense several things will be considered when the assigned LEVEL is determined. Examples of things considered may include: not only the facts involved in the current offense, but also the facts of previous offense(s); the way in which the individual subscribed to the consequences of previous offense(s); or any other information/ testimony that demonstrates the individual could be forming a pattern of alcohol abuse.

Students who fail to complete the consequences assigned to them after an offense of the alcohol regulations may be raised to the next LEVEL with additional consequences, including financial penalty, parental involvement, and/or added tasks.

#### LEVEL 1

##### **Sample Behaviors Which Could Result in a LEVEL 1 alcohol violation:**

1. Any student age 21 or over found on campus possessing or consuming distilled spirits (or "hard" alcohol).
2. Any student age 21 or over found in possession of an open container of alcohol in a public area on **campus**.
3. Any student age 21 or over found violating campus quiet hours while under suspicion of possessing or consuming alcohol.
4. Any student found in possession of "trophy" ("hard" or distilled spirits) alcohol containers.

##### **Consequences:**

1. \$25 fine
2. Written documentation to student's file
3. Student is required to complete sanctioning which includes, but is not limited to, successful completion of an on-line alcohol prevention and education course and session(s) with either the College Counselor or their designee.
4. Appropriate restitution to any community member(s) aggrieved in the offense.

#### LEVEL 2

##### **Sample Behaviors Which Could Result in a LEVEL 2 alcohol violation:**

1. Any student under the age of 21 found in possession of or consuming alcoholic beverages.
2. Any student age 21 or over participating in drinking games (anything that would be considered a "game" with the purpose of players consuming large quantities of alcohol).
3. Any student age 21 or over found in possession of multiple serving container(s) of alcohol.

**Consequences:**

1. \$75 fine
2. Notification of parent(s)/guardian(s) of dependent students
3. Report of alcohol offense sent to work supervisor and academic advisor
4. Student is required to complete sanctioning which includes, but is not limited to, successful completion of an on-line alcohol prevention and education course and session(s) with either the College Counselor or their designee.
5. Appropriate restitution to any community member(s) aggrieved in the offense.

**LEVEL 3**

**Sample Behaviors Which Could Result in a LEVEL 3 alcohol violation:**

1. Any student found causing damage to personal or College property while under suspicion of consuming alcohol
2. Any student failing to comply with the reasonable request(s) of a staff member while under suspicion of alcohol consumption.
3. Any student under the age of 21 participating in drinking games (anything that would be considered a "game" with the purpose of players consuming large quantities of alcohol).

**Consequences:**

1. \$150 fine
2. Notification of parent(s)/guardian(s) of dependent students
3. Requirement to submit to and pay for a formal alcohol abuse assessment
4. Social probation
5. Report of alcohol offense sent to work supervisor and academic advisor
6. Appropriate restitution to any community member(s) aggrieved in the offense.

**LEVEL 4**

**Sample Behaviors Which Could Result in a LEVEL 4 alcohol violation:**

1. Involvement in a physical altercation as a result of consuming alcohol.

**Consequences:**

1. Suspension from the College for a minimum of 1 full semester with the requirement that the individual seek alcohol treatment services and provide documentation of said services prior to being considered for readmission to the College.

Appeals of these decisions would follow the same guidelines outlined on pages 16-19 of the Disciplinary System. If it is determined that a LEVEL 1 or LEVEL 2 is appropriate, the 2 Student Life Appeals Board members participating in the decision regarding the LEVEL and consequences would not sit in on the appeals hearing. If it is determined that LEVEL 3 or LEVEL 4 is appropriate, and the student has an administrative hearing with the Dean of Students, appeals of those decisions will go to the Conduct Hearing Board.

## **Equal Employment Opportunity & Title IX Nondiscrimination Statements and Policies**

Blackburn College is an Equal Opportunity Employer. Blackburn College does not discriminate against anyone on the basis of sex, race, age, color, religion, creed, ancestry, national origin, marital status, sexual orientation, physical or mental disability, or military service, including veteran status or discharge from military service (except dishonorable discharges), medical condition, genetic characteristics, pregnancy, or any other basis prohibited by applicable federal, state or local law. This applies to hiring, promotion, renewal of employment, selection for training, tenure or term, and privileges or conditions of employment. The College will reasonably accommodate an individual's physical or mental disability when appropriate, as required by the Americans with Disabilities Act and the Illinois Human Rights Act or any other applicable law or regulation.

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.

The college's discrimination and misconduct policies are 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.

The college uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, criminal legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the college never assumes a responding party is in violation of college policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

The College's Title IX Coordinator and Human Resources Designee oversee compliance with all aspects of the nondiscrimination policy. The Title IX Coordinator and Human Resources Designee are accountable to the President of the College. Questions about this policy should be directed to either the Title IX Coordinator or Human Resources Designee. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the college Title IX Coordinator or Human Resources Designee. The Title IX Coordinator and Human Resources Designee contact information is located inside on the bulletin board in the west door of Ludlum Hall, and other buildings around campus.

### **Title IX**

Title IX provides that "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." Further information about Title IX can be found at <https://sites.ed.gov/titleix/>

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

### **Responsible Employees for Title IX Concerns**

All staff, faculty, and students in the Work Program are considered responsible employees and therefore are required to report violations of Title IX to the Title IX Coordinator or Title IX Deputy Coordinators. A responsible employee or mandated reporter **does not** include students who are not participating in the work program, peer counselors, staff counselors, the college chaplain, or professional staff members employed by Sodexo.

A Responsible Employee includes any employee who:

1. has the authority to take action to redress the harassment;
2. has the duty to report harassment or other types of misconduct to appropriate officials; OR
3. is someone a person could reasonably believe has this authority or responsibility.

In essence, almost all members of the college community are considered a responsible employee/mandated reporter. Title IX Coordinators and HR Designees are also considered Responsible Employees and cannot ensure confidentiality.

### **Confidential & Anonymous Reporting for Title IX Concerns**

The only employees that are NOT mandated to report are Director of Counseling Services and Peer Counselors. These employees serve as confidential resources for reporting parties and can provide options for off-campus resources. 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 Title IX Coordinators or HR Designees.

Additionally, anonymous reports can be made by victims and/or third parties using the Campus Conduct reporting hotline at 866-943-5787. 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.

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR) Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: (312) 730-1560  
Facsimile: (312) 730-1576  
[Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

In the event that an incident involves alleged misconduct by the Title IX Coordinator or Human Resources Designee, reports should be made directly to the Title IX Coordinator's Direct Supervisor.



## Harassment Policy

The College prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, bully or coerce an employee, student, co-worker or any person working for or on behalf of the College. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance (i.e., someone wearing a burka or a person with multiple piercings), including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

### **Sexual Misconduct Offenses Include, But Are Not Limited To:**

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

### **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 Title IX Coordinator or a deputy. 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
- By 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.

**Examples Include:** an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

**Some examples of possible Sexual Harassment include:**

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- An employee repeatedly sends sexually oriented jokes around on an email lists/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the building in which they both work.
- Explicit sexual pictures are displayed in an employee's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in his/her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. He/she probes for explicit details, and demands that students answer him/ her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

**Non-Consensual Sexual Contact**

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**

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.

## **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 other sexual misconduct offenses, Examples of sexual exploitation include, but are not limited to the:

- 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 or 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.

## **Consensual Relations Policy**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty- student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are inappropriate. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor or the Provost, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Advisors (RAs) and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary actions for an employee. Because of the unique nature of the Work Program, student supervisors should refrain from romantic or sexual relationships with student workers who report to them and should not evaluate such student workers.

## **Additional Applicable Definitions:**

### **Consent**

Consent is:

- 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.
- A person's manner of dress does not constitute consent.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you have knowledge 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, [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one these drugs to another student or employee is a violation of this policy. More information on these drugs can be found at

<http://www.idph.state.il.us/about/womenshealth/factsheets/date.htm>

### **Force**

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 that produces consent ("Have sex with me or I'll hit you. Ok, don't hit me, I'll do what you want.")

- 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 activity is not by definition forced.

### **Hostile Environment**

A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a person's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment. This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity. For reference to the pertinent state statutes on sex offenses, please visit <http://www.ilga.gov/legislation/ilcs/ilcs.asp>.

### **Examples**

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think

of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being "a prude." Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. Bill is responsible for violating the college Non-Consensual Sexual Contact Policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda is unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon her. Where sexual activity is coerced, it is forced. Sex without consent is sexual misconduct.

2. Ben is a work supervisor at the college. Beth is a new worker in Ben's department. For the past couple of months, Beth has been subjected to hugging, fondling, and offensive comments about her "curvaceous figure" several times by Ben. She has repeatedly tried to communicate her discomfort with this behavior by gently pushing him away, talking about how angry her fiancée would be if he knows about it, and leaving the room when possible. The last straw for Beth was when Ben began conducting entire conversations with her while staring at her chest. This is a violation of the sexual-harassment policy. Although a direct statement to the harasser that the conduct is offensive and unacceptable clearly puts the harasser on notice that the conduct is unwelcome, such a direct statement is NOT required. Ben should have interpreted Beth's statements and actions as expressing to him that his conduct is unwelcome and he should cease his actions and comments.
3. Peyton and Jordan were in the break room of their office building with a group of their co-workers joking around and telling stories. Peyton placed his arms around Jordan's waist as they continued their conversation. Jordan removed his hands from her body. A few minutes later, Peyton touched Jordan's butt, stating he did not understand why she was making such a big deal about him touching her. This is a violation of this policy. After Jordan removed Peyton's hands from her body, Peyton touched her butt. This behavior constitutes intentional physical contact of a sexual nature.
4. Professor X's a tenured faculty member and has a reputation for strong opinions and a slim view of major changes to status quo. Professor Y is a non-tenured faculty member but very vocal in meetings and supportive of innovations that appear to benefit students academically. After one very controversial meeting having to do with a major academic change, Professor X takes Professor Y aside and states that if he/she expects to become tenured he/she should be less vocal on such issues. This is a violation of this policy and is identified as a verbal threat due to the imbalance of social power.

### **Other Misconduct Offenses (Will Fall Under Title IX When Sex or Gender-Based)**

#### **Threatening**

or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

#### **Intimidation**

is defined as implied threats or acts that cause an unreasonable fear of harm in another;

#### **Hazing**

is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);

## **Bullying**

is defined as the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power, which distinguishes bullying from conflict. Behaviors used to assert such domination can include, but are not limited to the following forms:

- Verbal harassment or threat
- Physical assault or coercion
- Offensive conduct/behaviors (including nonverbal) which are threatening, humiliating or intimidating
- Work interference or a form of sabotage that prevents work from getting accomplished
- And such acts that may be directed repeatedly towards particular targets

Bullying can include chronic teasing, threats and intimidation; aggressive voicemails, phone calls, emails, and/or social media; ignoring/interrupting; abusive and offensive remarks; yelling, screaming and/or cursing; unwarranted threatening of poor performance or class reviews, persistent name-calling, pushing, shoving, and throwing things; or socially or physically excluding or disregarding a person in work-related activities.

## **Intimate Partner Violence**

is defined as violence or abuse between those in an intimate relationship to each other;

### **Examples**

1. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
2. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance, Psychological abuse is a form of Intimate Partner Violence.
3. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

## **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

### **Example of Stalking 1:**

A student repeatedly shows up at another student's on-campus residence, always notifying the residence hall staff that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up at their on-campus place of employment requesting that they go out on a date together.

### **Stalking 2:**

- Repetitive and Menacing
- Pursuit, following, harassing and/or interfering with the peace and/or safety of another

### **Example of Stalking 2:**

A professor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently had in class, the professor thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the professor's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me

to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the professor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."

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.

## **For all Harassment and Misconduct**

### **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
- Further harassment

### **False Charges**

Due to the serious nature of discrimination and harassment charges, a false charge of discrimination or harassment of any kind shall be considered a serious offense, subject to disciplinary action by the College.

## **Grievance Procedures**

This process begins when notice is received, then a prompt preliminary inquiry by the Title IX Coordinator or Human Resources Designee is held to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If reasonable cause is found to support this claim, the College will initiate an investigation which will lead to either an informal or formal resolution process. The Title IX Coordinator or Human Resources Designee will coordinate the college's compliance efforts regarding all reports and will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

**Notice:** The college has notice of sexual misconduct, harassment, or discrimination based on the protected classes (for list, see paragraph 1 of the Equal Employment Opp. & Title IX Nondiscrimination Policy) if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence. The school can receive notice in several ways. Some examples of notice include: a student or employee filing a grievance, an individual (student, parent, employee, or friend) reporting an incident, or a responsible employee witnessing the event. It also can indirectly receive notice from a member of the local community, on a social networking site, or from the media.

Additionally, notice may be imputed onto the school if the pervasiveness of sexual violence is "widespread, openly practiced, or well-known among students." The school is required to take prompt and effective corrective action in these instances.

Public awareness events, such as "Take Back the Night," are not considered notice to the school for the purpose of triggering individual investigation. However, the Department of Education does recommend that schools provide information at these events on how to file a Title IX complaint.

In private lawsuits for monetary damages, the school must have had actual knowledge of the conduct and act with deliberate indifference. Under Title IX and its regulations, as well as under Title IV, once a university has actual or constructive notice of possible sexual harassment of students, it is responsible for determining what occurred and responding appropriately. When a university fails to take adequate steps to address harassment, it is held liable under Title IX and Title IV for its own conduct.

The College aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or Human Resources Designee with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter or responsible employee, who then should make a report to the Title IX Coordinator or Human Resources Designee,

**Responsible Employee/Mandated Reporter:** Includes any employee who: 1. has the authority to take action to redress the harassment; 2. has the duty to report harassment or other types of misconduct to appropriate officials; OR 3. is someone a person could reasonably believe has this authority or responsibility. A responsible employee or mandated reporter does not include students who are not participating in the work program, peer counselors, staff counselors, or professional staff members employed by Sodexo. In essence, almost all members of the college community are considered a responsible employee/mandated reporter.

The Title IX Coordinator or Human Resources Designee then engages in a preliminary inquiry that is typically 1-3 days in duration,

**Preliminary Inquiry:** When a notice is made, the Title IX Coordinator or Human Resources Designee will address inquiries and coordinate the college's response. Often, sex and gender-based complaints and other discrimination complaints include other potential college policy violations. If the Title IX Coordinator or Human Resources Designee believes that reasonable cause is not found to support the claim, the case will be closed and all parties will be notified. If reasonable cause is found to support the claim, an investigation will be initiated and either an informal resolution or a formal resolution will take place. Prompt filing of a complaint is strongly encouraged. A complaint may be withdrawn at any time after it is filed. However, withdrawal of a complaint will not necessarily result in the termination of the college's inquiry or investigation.

At the end of the preliminary inquiry, the Title IX Coordinator or Human Resources Designee will assign at least two investigators to begin an investigation and keep all parties regularly apprised of the status of the investigation as it unfolds. Once an investigation has been launched, the reporting party and responding party have the right to find an advocate to support him/her through this process and it will be determined if either an informal or formal resolution will take place.

**Investigation:** An investigation can range from days to weeks in length, depending on the nature and complexity of the allegation, with the college commonly aiming for a 10-14-day window to completion of the investigation. The College will conduct a prompt, fair, and impartial investigation, Prompt means that the investigation is completed within reasonably prompt timeframes, generally within sixty days. Fair means that the investigation is conducted in a manner that is consistent with this policy and transparent to the complainant and respondent. Impartial means the investigation is conducted by an individual who does not have a conflict of interest or bias for or against either party, and who is trained on issues related to all forms of discrimination and sexual misconduct and in conducting an investigation. In cases of academic freedom, the investigation must include the appropriate academic officer.

**Reporting Party:** In this process, the person alleging a violation of policy is referred to as the reporting party.

**Responding Party:** In this process, the person who is alleged to have violated campus policy is referred to as the responding party.



**Advocates:** A person, of each party's choosing, who can help guide, support and accompany them throughout the campus resolution process. This person can be, but is not limited to a friend, family member, mentor, or supervisor. An advisor cannot be anyone who is directly involved in the resolution process.

### **Filing a Grievance**

Any member of the community can provide notice of discrimination and/or harassment in person, by phone, via email or in writing to the Title IX Coordinator or Human Resources Designee. The college strongly encourages submission of written reports to either the Title IX Coordinator or to Human Resources Designee.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred);
- Any supporting documentation and evidence including witnesses if any;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
  - o This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
  - o If contacting the person involved and/or the supervisor is inappropriate, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and all contact information for the reporting party;
- Signed and dated by the reporting party.

### **Interim Remedies/Actions Prior to an Investigation**

The Title IX Coordinator or Human Resources Designee may provide interim remedies intended to address the short-term effects of alleged harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations. The college will keep interim remedies and actions as private as possible. These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the campus community
- Altering the housing situation of the responding party or the housing situation of the reporting party, if desired
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Make arrangements to offer adjustments to academic deadlines, course schedules, etc.

The College may in the interim, suspend a student, employee, or organization pending the completion of the investigation. This is particularly important when, in consultation with the Dean of Students or Human Resources Designee who will consult with the President and the Provost, the Title IX Coordinator finds the safety or well-being of any member(s) of the campus community to be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator, the Dean of Students or the Human Resources Designee prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause of why the suspension should not be implemented. The Title IX Coordinator, the Dean of Students or the Human Resources Designee have discretion to implement or stay an interim suspension under the previous section, the Equal Employment Opportunity & Title IX Nondiscrimination Statements and Policies, and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

## **Participation of Advocates in the Resolution Process**

All parties are entitled to an advocate of their choosing to guide and accompany them throughout the campus resolution process. The advocate may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is eligible and available. People who will be called as witnesses may not serve as advocates. The goal of the college is to maintain a pool of trained (non-attorney) advocates who are available to the parties. The parties may choose advocates from outside the pool, or outside the campus community, but those advocates may not have the same level of insight and training on the campus process as do those trained by the college. Outside advocates are not eligible to be trained by the college.

The parties are entitled to be accompanied by the advocate in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advocates should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The college cannot guarantee equal advisory rights, meaning that if one party selects an advocate who is an attorney, but the other party does not, or cannot afford an attorney, the college is not obligated to provide one. However, responding parties may wish to contact organizations such as:

- FACE ([www.facecampusequality.org](http://www.facecampusequality.org))
- SAVE ([www.saveservices.org](http://www.saveservices.org))

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center ([www.victimrights.org](http://www.victimrights.org)), or the
- The National Center for Victims of Crime ([www.victimsofcrime.org](http://www.victimsofcrime.org)), which maintains the Crime Victim's Bar Association.

All advocates are subject to the same campus rules, whether they are attorneys or not. Advocates may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advocates may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advocates should ask for breaks or step out of meetings to allow for private conversation. Advocates will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meetings. This pre-meeting will allow advocates to clarify any questions they may have, and allows the college an opportunity to clarify the role the advocate is expected to take.

Advocates are expected to refrain from interference with the college investigation and resolution. Any advocate who steps out of his/her role in any meetings under the campus resolution process will be warned once and only once. If the advocate continues to disrupt or otherwise fails to respect the limits of the advocate role, the advocate will be asked to leave the meeting. When an advisor advocate is removed from a meeting, that meeting will typically continue without the advocate present. Subsequently, the Title IX Coordinator or a deputy coordinator will determine whether the advocate may be reinstated, may be replaced by a different advocate, or whether the party will forfeit the right to an advocate for the remainder of the process.

The college expects that the parties will wish the college to share documentation related to the allegations with their advocates. In order for the college to be able to share records with an advocate, the parties must consent to this by signing our authorization form. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advocates are expected to maintain the privacy of the records shared with them by the college. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the college. The college may seek to restrict the role of any advocate who does not respect the sensitive nature of the process or who fails to abide by the college's privacy expectations.

The college expects an advocate to adjust his/her schedule to allow him/her to attend college meetings when scheduled. The college does not typically change scheduled meetings to accommodate an advocate's inability to attend. The college will, however, make provisions to allow an advocate who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advocates during the process, and is not locked into using the same advocate throughout.

The parties must advise the investigators of the identity of their advocate before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advocates at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

### **Investigation Process**

An investigation is launched after reasonable cause is determined in the preliminary inquiry by the Title IX Coordinator or the Human Resources Designee. An investigation can range from days to weeks in length, depending on the nature and complexity of the allegation or when initial reports fail to provide direct first-hand information, with the college commonly aiming for a 10-14-day window to completion of the investigation.

Reasonable cause is a standard of proof; it is applied to a set of facts or actions to prove whether a reasonable person would have come to the same conclusion or acted in the same way given the totality of the circumstances. The standard is part of the tests applied by U.S. courts to police action in criminal matters but has also been applied in certain civil contexts.

The college's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the college may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The college will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. The Title IX Coordinator or Human Resources Designee will typically assign 2 Title IX trained investigators to all investigations, one of which must be the Director of Campus Safety or Designee.

In consultation with the Title IX Coordinator or Human Resources Designee, the investigator(s) will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g.: the campus Title IX Coordinator), request any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Meet with the reporting party to take and finalize their statement, and
- Prepare the notice of charges on the basis of the initial inquiry;
- Meet with the responding party to take and finalize their statement;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10-14 business days;

- Meet with both parties to discuss and determine the desired outcome (informal or formal resolution);
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- All statements can be read by all involved AFTER all statements have been submitted (reporting party, responding party, witnesses, etc.);
- Prepare and present the findings to the hearing body;
- Share the findings and update the reporting party and the responding party on the status of the investigation.

If the investigators find the claim to be non-violent and both the reporting and the responding parties agree, an informal resolution may take place. If the investigators find the claim to be violent or the reporting and the responding parties do not agree, a formal resolution will take place.

### **Informal and Formal Resolution Processes**

This procedure applies to any member of the college community (faculty, student, staff, and administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including faculty, part-time faculty, students, staff, administration, guests, visitors, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student Handbook or faculty and staff handbooks.

Reporting and Responding parties will receive notice of the name of the individual or names of individuals on the Conduct Hearing Board to make a finding or impose a sanction in their proceeding before the individual or individuals initiate contact with either party. All 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. Section G-VI: Special Resolution Process Provisions provides direction on how to address conflicts of interest and biases.

#### **Informal Resolution Process**

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, part-time faculty, staff, or administrators. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the reporting party and the responding party. The Title IX Coordinator and the Human Resources Designee will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including but not limited to counseling or mediation.

Mediation: The attempt to settle a dispute through active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result. Mediation is not used when violent behavior is involved, when the Title IX Coordinator or Human Resources Designee determines a situation is not eligible, or the parties are reluctant to participate in good faith. Mediators are available from the U.S. Office of Labor Relations and cost for these services are generally covered by the institution.

The college will not force an informal resolution or if informal efforts are unsuccessful, the formal resolution process will be initiated and both parties will be notified. Either party has the right to end the informal process and begin the formal process at any time prior to resolution. The reporting party may keep a written log that could aid in later investigation and resolution.

#### **Formal Resolution Process**

A formal resolution will be pursued in response to violence being present in the claim, if the reporting and responding parties cannot agree on an informal resolution, or a previously agreed upon informal resolution was not successful.

At the end of an investigation, the assigned investigators will submit their reports to the Hearing Body for review. Once the hearing body has reviewed the report, the investigators, along with the Title IX Coordinator or Human Resources Designee, will meet with the hearing body to discuss any further need to investigate or to offer clarification. From there, a hearing will convene to determine if the policy has been violated. The Conduct Officer of the hearing body will present the reporting and responding parties with the findings, a decision, and sanctions (if applicable), subject to appeal.

**Hearing Body:** A hearing body is made up of five members of the campus community. A hearing body will always consist of two staff members, two faculty members, and the conduct officer, all of whom have been appropriately trained. The college will make every effort to maintain a trained pool of hearing body members that reflects the diversity of faculty and staff. In cases where both parties are students, the V.P. and Dean of Student Affairs will choose the appropriate staff and faculty hearing body members. In cases where both parties are employees, the Provost will choose the appropriate staff and faculty hearing body members. In cases of student and employee parties, the Provost and V.P. and Dean of Student Affairs will collaborate and choose the appropriate staff and faculty hearing body members. The hearing body will be responsible for reading and understanding all aspects of the investigators' reports; asking appropriate and relevant questions of the investigators, both parties, and any one present at the hearing; make a determination based on the preponderance of evidence that a violation of the policy is more likely than not; making a prompt, fair, and reasonable decision on the findings; and determine appropriate sanctions. The goal of the college is to enlarge the pool of trained hearing body members.

**Conduct Officer:** The conduct officer will be a member of the campus community who is appointed by the President. This person will be trained and will typically serve a three-year term. The conduct officer will be responsible for leading the hearing and delivering the appropriate sanctions when deemed. In a case where the conduct officer is directly involved, the President will appoint an interim conduct officer.

The hearing body will take the following steps:

- The Conduct Officer will read the charge(s) along with the name(s) of the person(s) or office bringing them.
- All parties present will be reminded that they are to tell the truth throughout the hearing.
- The Responding Party will state whether or not he/she was responsible for the offense.
- The Investigators will submit evidence related to the alleged offense(s) or to other actions that led up to or support the allegation as well as providing witnesses who can specifically speak to the alleged offense(s).
- The Reporting and Responding Parties may be asked to present his/her statements, provide clarification, or answer questions in regard to the claim.
- Witnesses will generally be asked to attend only that portion of the hearing which is relevant to their testimony, although in some cases witnesses may be asked to be present during the entire hearing.
- All parties present are entitled to make notes and ask questions at any time during the hearing, providing they have been recognized by the conduct officer. The only exception to this is the advocate(s), who must speak through the person they are present to support. Neither the Reporting nor Responding Party may speak directly to one another during the hearing.
- The Hearing Body may recall the reporting party, responding party, any witnesses, or the investigators at any point to clarify or challenge statements made during the hearing. The Hearing Body members are allowed to ask questions at any point throughout the hearing. All questions and clarifications must be directed to the Hearing Body members. Any member of the Hearing Body may request additional information.
- Decisions will be reached by a majority rule on the basis of the evidence presented during the hearing. If evidence of misbehavior outweighs evidence to the contrary, the Responding Party will be considered responsible for the offense.
- The Responding Party will be verbally informed by the Conduct Officer of sanction decisions as soon

as they are made. The Conduct Officer will inform both parties of the decision at the same time, but separately so that they do not encounter each other. The Reporting Party will be informed of whether a violation of this policy was found and what sanctions, if any, were imposed on the Responding Party if such sanctions directly relate to the Reporting Party (e.g., the Responding Party is ordered to stay away from the Reporting Party, is prohibited from attending school or work for a period of time, and/or is transferred to a different office space, residence hall, etc.).

- Written verification from the Title IX Coordinator or Human Resources Designee will follow as soon as possible thereafter.
- All hearings are closed to the public and must be held in either a conference room or a classroom. The advocates for the party they are supporting may include members from outside the campus community as both may have reached out to counselors unavailable on our campus; to exclude those individuals' participation in this process could put undue stress and pressure on all. The scope of the witnesses' testimony must be limited to the alleged act of or acts leading up to the policy violation in question. The sexual history of the Reporting Party is not a relevant part of the Hearing Body's proceeding or deliberations. Character witnesses are also not allowed as they cannot substantiate or invalidate any act of misconduct.
- Appropriate sanctions could include no further action; completion of counseling programs; social probations, suspension, or expulsion (for students); letter of reprimand; probationary status contingent upon completion of professional counseling and/or job training, or termination of employment (for faculty and staff members. If dismissal is recommended for a tenured faculty member, the process would follow the 1958 AAUP Statement of Procedural Standards in Faculty Dismissal Proceedings), Other appropriate sanctions as determined by the hearing board may be applied.
- If it is determined that the responding party has not violated the policy, notice will be made to all parties. From here the reporting party may appeal the Hearing Body's decision within 48 hours, excluding weekends or dates when the entire college is closed, to the Provost. If it is determined that the responding party has violated the policy, sanctions will be given and notice will be made to all parties. From here the responding party may appeal the hearing body's decision, within 48 hours excluding weekends, to the Provost. Only appeals based on the criteria established in section F (Appeals Process) will be heard.

In all cases, regardless of findings, all parties will receive written notification of the findings, any resulting responsive actions, the rationale for the decision, and the appeals options, along with the procedures for appeal and any changes to the results that could occur before the decision is finalized. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

### **Appeals Process**

An appeal of the final decision of the hearing body must be made within 48 hours, excluding weekends or dates when the entire college is closed. Any appeals submitted after the 48-hour deadline will not be heard. Appeals may only be requested under the outlined criteria below.

#### **Criteria for Appeal**

The ONLY grounds for appeal are as follows:

1. A procedural [or substantive] error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence not heard during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions-imposed fall outside the range of listed sanctions and the cumulative conduct history of the responding party.

### **Requesting an Appeal**

The decision of the hearing body may be appealed by petitioning the Provost. (The V.P. and Dean of Student Affairs would hear an appeal if the Provost were involved in, a witness to a case, or recuses him/herself.) Any party who files an appeal request must do so in writing to the Office of the Provost, within 48 hours (excluding weekends) of the delivery of the written decision, for a review of the decision or the sanctions imposed.

The following are recommended elements of an appeal:

- Clear and concise description of the criteria you wish to appeal;
- Any supporting documentation and evidence;
- Name and all contact information for the appealing party;
- Signed and dated by the appealing party.

A request may be made to the Conduct Officer at the end of the hearing to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. In cases where the appeal results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **The Appeal Process**

The Provost can take one of three possible actions: dismiss an appeal request as untimely or ineligible; grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level; modify a sanction. Based on the written requests/responses or on interviews as necessary, the Office of the Provost will send a letter of outcome for the appeal to all parties.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original hearing.

In cases where a procedural error cannot be remedied by the original hearing body (as in cases of bias), the Provost may order a new hearing with a new hearing body. The procedures governing the hearing of appeals include the following:

- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the criteria for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Conduct Officer stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Provost will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The Provost's decision to deny an appeal request is final.

## **Special Resolution Process Provisions**

### **College-initiated proceedings**

As necessary, college reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of misconduct.

### **Alternative Testimony Options**

For sexual misconduct reports, and other reports of a sensitive nature, whether the alleged victim is serving as the reporting party or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the responding party, such as by Skype or phone.

### **Past Sexual History/Character**

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the Conduct Officer, [pertaining only to past or subsequent interactions between the parties that offer context]. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be reviewed in advance of the hearing by the Conduct Officer. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the Conduct Officer may supply previous reports of good faith allegations and/or findings to the investigators, the hearing body, and the Provost to consider as evidence of pattern and/or predatory conduct.

### **Witness participation in an Investigation**

Witnesses are expected to cooperate with and participate in the college's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person. Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

### **Training for those implementing these procedures**

Personnel tasked with implementing these procedures, (e.g.: Title IX Coordinator, investigators, hearing body, advocates, Provost, mediators, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in references to sexual harassment and discrimination allegations; the college's Sex/Gender-based Discrimination and Sexual Misconduct Policies and Procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

### **Conflicts of Interest and Bias**

The college is committed to ensuring that its investigation process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition to the Title IX Coordinator or Human Resources Designee for the person's removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest and why the petitioner believes the bias or conflict could materially impact the investigation. Such petitions may also be made to the college president in the event that the potential conflict or bias involves the Title IX Coordinator or Human Resources Designee.



## **Recordkeeping**

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator or Human Resources Designee indefinitely in an electronic database.

## **Amnesty Provision**

The college's amnesty provision provides immunity to any student or employee who reports, in good faith, an alleged violation of the higher education institution's comprehensive policy to a responsible employee, as defined by federal law (and in this handbook), so that the reporting party will not receive a disciplinary sanction by the institution for a student or employee conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the college determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk.

## **CRIME STATISTICAL REPORT INFORMATION**

The statistical information provided below complies with the required reporting of the "Jeanne Clery Disclosure of Campus Safety Policies and Campus Crime Statistics Act." Crime statistics for the most recent three-year periods are published. These statistics reflect incidents reported to Blackburn College Campus Safety Department and the Carlinville Police Department, and involve incidents occurring on campus, in residential housing and areas adjacent to the college.

The statistical data reported is compiled from records maintained by the Campus Safety Department, the Student Development Office and the Carlinville Police Department. The criminal offenses are classified using the "Clery Act" crime definitions. The "Clery Act" defines the location categories used. "Non-Residential" indicates the violation occurred on campus grounds or in a building not used for student housing. "Residential" indicates it occurred in a college owned residence hall. "Public Property" is public property such as parks and streets adjacent to the campus. "Non-Campus" refers to any building or property located off campus and owned by the college or controlled by a student organization officially recognized by the college.

The reader should keep in mind that some crime victims may choose not to report offenses to campus or local law enforcement authorities and violations listed may result in both arrest and disciplinary referral for the same offense. Other types of unacceptable conduct such as thefts and vandalism occur on college campuses. All criminal activity is detrimental to the college community, and strong measures including dismissal are taken against offenders.

## **CLERY ACT CRIME DEFINITIONS**

Per the Clery Act, crimes are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, the definitions used are from the FBI's National Incident- Based Reporting System (NIBRS) edition of the UCR. Hate crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Although the law states that institutions must use the UCR for defining and classifying crimes, it doesn't require Clery Act crime reporting to meet all UCR standards.

***Murder and Non-Negligent Manslaughter***-the willful (non-negligent) killing of one human being by another.

***Negligent Manslaughter***-the killing of another person through gross negligence.

***Sex Offenses, Forcible***-any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. There are four types of forcible sex offenses:

**Forcible Rape** is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

**Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/ her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

**Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/ her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting."

**Offenses, Non-forcible**-incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition:

**Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

**Robbery**-the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault**-an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary**-the unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary. **Motor Vehicle Theft**-the theft or attempted theft of a motor vehicle.

**Arson**-any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crimes**-any of the aforementioned offenses, larceny, simple assault, intimidation and vandalism reported to local police agencies or to a campus safety authority, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Categories of bias are

- **Race**
- **Gender**
- **Religion**
- **Sexual orientation**
- **Ethnicity/national origin**
- **Disability**

**Liquor law Violations**-the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Law Violations**-the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance,

**Weapons Law Violations**-the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

### **Geographic Definitions**

**On Campus** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-campus Building or Property** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** All public property (including thoroughfares, streets, sidewalks, and parking facilities) that is within the campus, or immediately adjacent to and accessible from the campus,

### **FURTHER CAMPUS SAFETY INFORMATION**

Further information about campus safety can be obtained from the Campus Safety Department located in the Student Life Office area of the Demuzio Campus Center or by calling 217/854-5550.

---

### **CAMPUS CRIME STATISTICS TABLE**

The statistical information provided on the next few pages complies with the required reporting of the "Jeanne Clery Disclosure of Campus Safety Policies and Campus Crime Statistics Act." Crime statistics for the most recent four-year periods are published. These statistics reflect incidents reported to Campus Safety Officers and involve incidents occurring on campus, in residential housing and in areas adjacent to the college campus.

- On-campus: Any College owned or controlled property or building within the contiguous geographical area of the campus
- Residential Facilities: A subset of reported On-campus Crimes. These crimes will be reported or both. On-campus and Residential Facilities locations. For example, if a crime is reported for Residential Facilities, it will also be reported for that On-Campus location for this reason, the total number below may not match the total number reported above,
- Non-campus building or property: Those owned or controlled by Blackburn College, used in relation to the College's educational purposes and frequently by students but that are not contiguous to the geographic area of a College campus; and
- Public Property: Streets, Sidewalks, and thoroughfares within the campus or immediately adjacent to and accessible from the campus.

NOTE: If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded" and not included in the statistics for that year; however, the number of unfounded crimes withheld is disclosed.

**YEARLY CRIME STATS 2019**

<b>Crimes Reported</b>	<b>Campus Residential Facilities</b>	<b>Total on Campus (includes CRF)</b>	<b>Non-Campus Buildings or Property</b>	<b>Public</b>	<b>Total</b>
<b><i>Criminal Offenses</i></b>					
Aggravated Assault					
Arson					
Burglary	1	1			1
Negligent Manslaughter					
Murder/Non-negligent					
Motor Vehicle Theft					
Robbery					
Destruction/Damage/Vandalism					
Intimidation					
Larceny-Theft					
Simple Assault					
<b><i>Sexual Assault {Sex Offenses}</i></b>					
Incest					
Statutory Rape					
Fondling					
Rape					
<b><i>Arrests</i></b>					
Liquor Law Violations					
Drug Law Violation					
Weapons Law Violation					
<b><i>Disciplinary Referrals</i></b>					
Liquor Law Violations					
Drug Law Violation	1	1			1
Weapons Law Violation					
<b><i>VAWA Offenses</i></b>					
Domestic Violence					
Dating Violence	2	2			2
Stalking					
<b><i>Unfounded Crimes</i></b>					

YEARLY CRIME STATS 2018					
Crimes Reported	Campus Residential Facilities	Total on Campus (includes CRF)	Non-Campus Buildings or Property	Public	Total
<b><i>Criminal Offenses</i></b>					
Aggravated Assault					
Arson					
Burglary		1			1
Negligent Manslaughter					
Murder/Non-negligent					
Motor Vehicle Theft					
Robbery					
Destruction/Damage/Vandalism					
Intimidation					
Larceny-Theft					
Simple Assault					
<b><i>Sexual Assault (Sex Offenses)</i></b>					
Incest					
Statutory Rape					
Fondling	2	2			2
Rape					
<b><i>Arrests</i></b>					
Liquor Law Violations					
Drug Law Violation					
Weapons Law Violation					
<b><i>Disciplinary Referrals</i></b>					
Liquor Law Violations	2	4		2	4
Drug Law Violation	4	6			6
Weapons Law Violation					
<b><i>VAWA Offenses</i></b>					
Domestic Violence					
Dating Violence					
Stalking					
<b><i>Unfounded Crimes</i></b>					

YEARLY CRIME STATS 2020					
Crimes Reported	Campus Residential Facilities	Total on Campus (includes CRF)	Non-Campus Buildings or Property	Public	Total
<b><i>Criminal Offenses</i></b>					
Aggravated Assault					
Arson					
Burglary		2			2
Negligent Manslaughter					
Murder/Non-negligent					
Motor Vehicle Theft					
Robbery					
Destruction/Damage/Vandalism					
Intimidation					
Larceny-Theft					
Simple Assault					
<b><i>Sexual Assault (Sex Offenses)</i></b>					
Incest					
Statutory Rape					
Fondling					
Rape					
<b><i>Arrests</i></b>					
Liquor Law Violations					
Drug Law Violation					
Weapons Law Violation					
<b><i>Disciplinary Referrals</i></b>					
Liquor Law Violations	8				8
Drug Law Violation	5				5
Weapons Law Violation					
<b><i>VAWA Offenses</i></b>					
Domestic Violence					
Dating Violence					
Stalking					
<b><i>Unfounded Crimes</i></b>		2			2

Hate Crimes On Campus 2020

Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes On Campus 2018

Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0



Hate Crimes On Campus 2019

Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes On Campus Student Housing Facilities 2019						
Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes On Campus Student Housing Facilities 2018						
Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes On Campus Student Housing Facilities 2020

Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes Public Property 2019						
Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes Public Property 2018						
Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0

Hate Crimes Public Property 2020						
Hate Crimes	Race	Religion	Sex Orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses- Forcible	0	0	0	0	0	0
Sex offenses- Non-forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of property	0	0	0	0	0	0