

**A RESOURCE GUIDE
FOR STUDENTS ON
SEXUAL MISCONDUCT**

CAMPUS POLICIES, PROCEDURES, AND SERVICES

2021-2022

RESOURCES

On-Campus CONFIDENTIAL Reports During Business Hours:

- *Tim Morenz*, Director of Counseling Services:
217-854-5533, Lumpkin 121, tim.morenz@blackburn.edu
- *Staff Counselors*—contact Counseling Services

On-Campus Reports During Business Hours:

- *Dr. Margaret Lawler*, Title IX Coordinator:
217-854-5519, Ludlum 110, margaret.lawler@blackburn.edu
- *Tod Dowdy*, Director of Campus Safety:
217-854-5550, Student Life 123, tod.dowdy@blackburn.edu
- *Melissa Maguire*, HR Designee:
217-854-5514, Ludlum 215, hr@blackburn.edu

On-Campus Emergency On-Call—24 hours/ day:

- *Resident Director On-Call:* 217-825-7504
- *Campus Safety On-Call:* 217-825-3042

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

Off-Campus Crisis Hotlines (available 24/7)

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

Individual and Group Counseling

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

Other Help Lines

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

Medical Issues

- 1-217-839-1526 (Maple Street Clinic)
- 1-217-544-2744 (Planned Parenthood—Springfield)

Hospital

- 1-217-788-3030 (Memorial Hospital Emergency Room—Rape Exams)
- 1-217-854-3141 (Carlinville Area Hospital—Internal Medicine—Will Not Do Rape Exams)

Legal Assistance

- 1-217-753-4117 (IL Coalition Against Sexual Assault—Springfield)
- 1-888-259-6364 (Macoupin County Safe Families)

Police Non-Emergency

- 1-217-854-3221
- In the case of an off-campus emergency situation, dial 911.

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the resources on Page 2 for immediate assistance:
4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.
5. Choose how to proceed. You have options, and are encouraged to contact the Title IX Coordinator or Director of Counseling Services to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the College; and/or 3) Initiate criminal proceedings and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the College, formal reports can be made to the Title IX Coordinator, Director of Campus Safety, or the HR Designee. Those who wish incidents to be handled criminally should contact the local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information about this option.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

CONFIDENTIAL REPORTING

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

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

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

MANDATED REPORTING

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

You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The Title IX Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused. In cases where

your request for confidentiality is granted, the College will offer you available resources, support, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

POLICY

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

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

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

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

YOUR RIGHTS

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Blackburn College's Sexual Misconduct Policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act (VAWA), and the Clery Act mandate how institutions respond to such allegations.

Many types of sexual misconduct also constitute violations of Illinois law. It is the responsibility of Blackburn College to take immediate and effective corrective action if the college has notice of a sexually hostile environment or gender-based harassment. Blackburn College has notice if a responsible employee knew, or in the exercise of reasonable care, should have known about the harassment. In these cases, Blackburn College will take the following corrective actions:

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

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

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the Annual Security Report at **blackburn.edu/annual-security-report**

SEXUAL MISCONDUCT VIOLATIONS

Sexual Harassment

Sexual harassment is:

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

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

Sexual harassment will be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A Hostile Environment is Created When Sexual Harassment is:

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

Quid Pro Quo Harassment is:

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

Sexual Assault 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.

Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence

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

Stalking is:

- Engaging in a course of conduct
- Directed at a specific person
- That would cause a reasonable person to feel fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Sexual Exploitation

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of sexual exploitation include, but are not limited to 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 of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances;
- inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms or sexual exploitation.

REPORTING PARTY
You may choose one or more options.
We encourage medical treatment for all options.

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

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

OPTION 3:
Confidential report at College Counseling Services

OPTION 4:
Report to local police department.

OPTION 5:
Confidential report through community sexual assault advocacy agency.

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

Referred to Title IX Coordinator for investigation.

Provided option for seeking counseling on- or off-campus support.

Provided option of reporting to local police.

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

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

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

Provided option of reporting to local police department.

Provided option to receive on-campus support services.

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

Provided option to receive sexual assault advocacy locally.

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

CONSENT

Consent is:

Consent is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter with a specific individual. Consent is a freely given agreement to sexual activity. Consent must be informed and mutual. Consent is clear, mutually understandable words or actions communicating an agreement to engage in specific sexual or intimate conduct. It is the responsibility of the person initiating sexual activity to obtain the other party's consent before proceeding with the sexual activity.

A current or past dating or sexual relationship, by itself, does not create consent. Consent to sexual activity in the past does not create consent to future sexual activity. Consent to sexual activity with one person does not create consent to sexual activity with another person. Consent to one sexual activity does not create consent to another sexual activity. A person's manner of dress does not constitute consent. Consent can be withdrawn at any time during a sexual encounter.

Consent cannot be given as the result of force, coercion, intimidation, or threats. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.

Consent cannot be given by one who is unable to understand the nature of the sexual activity and give knowing consent due to the circumstances. This includes when one is incapacitated, voluntarily or involuntarily, due to a physical condition, including, but not limited to, the use or influence of drugs or alcohol, or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. If there is any doubt as to another person's capacity to give consent, community members should assume that the other person does not have the capacity to give consent.

A person also cannot consent if he or she is under the age of consent or if the person is incapacitated due to a mental disability.

Anti-Retaliation Policy

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

REMEDIES

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

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

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

PROCEDURE

NOTICE

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

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

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

PRELIMINARY INQUIRY

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

INVESTIGATIONS

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

HEARINGS

The Conduct Hearing Board will have the opportunity to question the investigators before and/or during hearings. The Conduct Board will make a determination based upon the preponderance of evidence and determine sanctions, citing clear evidence to support its decisions. The panel may

additionally return the report to investigators for modification. The parties may make opening and closing statements to address the issues raised in the investigators' report. If a party is found responsible for a policy violation, the panel may review a written impact statement, which can include desired sanctioning outcomes.

STANDARD OF EVIDENCE

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

PAST HISTORY

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

FINAL DETERMINATION

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

APPEALS

All student, faculty, or staff involved in sexual misconduct proceedings may appeal decisions within 48 hours on the basis of the grounds permitted by College's policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See the full *Equal Employment Opportunities and Nondiscrimination Statements, Policies, and Procedures* for further details.

RISK REDUCTION

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

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

REDUCING THE RISK OF VICTIMIZATION

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

REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says “no,” accept it and don't push. If you want a “yes,” ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.

- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your gender, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

PROGRAMS

BYSTANDER INTERVENTION

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

VAWA/CLERY TRAINING

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

ONGOING CAMPAIGNS

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

REPORTING CONTACT

TITLE IX COORDINATOR

Dr. Margaret Lawler
217-854-5519
Ludlum 110
margaret.lawler@blackburn.edu

HR COORDINATOR & HR DESIGNEE

Melissa Maguire
217-854-5514
Ludlum 215
hr@blackburn.edu

DIRECTOR OF CAMPUS SAFETY

Tod Dowdy
217-854-5550
Student Life, DCC 123
tod.dowdy@blackburn.edu

Campus Safety Office
217-854-5502
DCC

CONFIDENTIAL RESOURCES

DIRECTOR OF COUNSELING SERVICES

Tim Morenz

217-854-5533

Student Life, Lumpkin 121

tim.morenz@blackburn.edu

STAFF COUNSELORS

Counseling Services

Student Life, DCC

ADDITIONAL RESOURCES

Please visit www.blackburn.edu/titleix
for the most recent digital copy of the Resource Guide

TITLE IX NONDISCRIMINATION GRIEVANCE PROCEDURE FLOW CHART

