

INTERIM EQUAL EMPLOYMENT OPPORTUNITY & NONDISCRIMINATION
STATEMENTS, POLICIES, AND PROCEDURES

Statement and Notice of Nondiscrimination Policy

Blackburn College is an Equal Opportunity Employer. Blackburn College does not discriminate against anyone and prohibits discrimination on the basis of sex, race, age, color, religion, creed, ancestry, national origin, marital status, sexual orientation, gender identity or expression, physical or mental disability, or military service, including veteran status or discharge from military service (except dishonorable discharges), medical condition, genetic characteristics, pregnancy, citizenship status, work authorization status, language, 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 as well as admission and access to education programs and activities. 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. The College will follow the requirements of the Illinois Human Rights Act in considering arrest or conviction records in any employment decisions.

Members of the College community, guests and visitors have the right to be free from all forms of discrimination or harassment based on a protected classes listed above. 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 and harassment-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.

In compliance with applicable federal rules and regulations, the College has adopted procedures for resolving complaints of discrimination. These procedures are contained within the College's Equal Employment Opportunity and Nondiscrimination Statements, Policies, and Procedures and the Title IX Policy and Procedures for Complaints of Sex-Based Harassment involving a Student Party.

To report information about conduct that may constitute sex discrimination, harassment, or other violations of this policy or to make a complaint of sex discrimination, harassment, or other violations of this policy, contact the College's Title IX Coordinator:

Logan Elliott
Vice President of Student Life, Dean of Students, & Title IX Coordinator
Office: Demuzio Campus Center 125
700 College Ave.
Carlinville, IL 62626
Phone: 217-854-5582
Email: logan.elliott@blackburn.edu

Inquiries about the application of Title IX and its regulations to the College may be directed to the College's Title IX Coordinator, the U.S. Department of Education's Office of Civil Rights, or both.

Information about reasonable accommodations for students is available in the College's Disability Accommodations policy. Student requests for reasonable accommodations should be directed to the College's Student Success & Accessibility Coordinator:

Marina Wirsing
Office: Lumpkin 108
Phone: 217-854-5660
Email: marina.wirsing@blackburn.edu

The College's ADA Compliance Officer is the Director of Human Resources:

Marshall Petty
HR Designee
Office: Ludlum 209
700 College Ave.
Carlinville, IL 62626
Phone: 217-854-5514
Email: hr@blackburn.edu

Employees, applicants, or other individuals with concerns regarding any alleged discriminatory act or occurrence falling within the provisions of any of the Federal Rules and Regulations other than Title IX or ADA as specified above may contact the HR Designee, Marshall Petty.

Marshall Petty
HR Designee
Office: Ludlum 209
700 College Ave.
Carlinville, IL 62626
Phone: 217-854-5514
Email: hr@blackburn.edu

Reports may be made in person, verbally, by phone, in writing through mail or electronic mail, or any other manner that delivers the information to the appropriate Coordinator at any time.

Scope of Policy and Grievance Process

This Equal Employment Opportunity and Nondiscrimination Statements, Policies, and Procedures and the grievance process set out below apply to complaints from students and employees of discrimination or harassment on the basis of the protected categories set forth in the above Statement and Notice of Nondiscrimination when the conduct occurs under the College's education program or activity, including but not limited to: (1) conduct that occurs on property owned or controlled by a student organization that is officially recognized by the College; or (2) conduct that is subject to the College's disciplinary authority.

In addition to this Policy, the College has adopted the Title IX Policy and Procedures for Complaints of Sex-Based Harassment involving a Student Party ("Title IX Policy"). Complaints of Sex-Based Harassment

under Title IX involving either a student Complainant or student Respondent will be addressed following grievance process set out in the Title IX Policy. All other complaints under Title IX, including complaints of retaliation under this policy or the Title IX Policy, will be addressed under this policy and the grievance process below.

The Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designee will determine which policy applies to each complaint. Where neither this policy nor the Title IX Policy apply, the Title IX Coordinator has the discretion to refer the allegations to the appropriate College official. To the extent the behavior alleged in a complaint could constitute a violation of another College policy, it may be pursued under that policy.

Prohibited Conduct and Definitions

A. Anti-Discrimination and Harassment Policy

The College prohibits discrimination and harassment, including sexual harassment, of any kind based on an individual's 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, citizenship status, work authorization status, language, or any other basis prohibited by applicable federal, state or local laws, and will take appropriate and immediate action in response to complaints or violations of this policy.

For purposes of this policy, discrimination is conferring, refusing, or denying benefits or providing differential treatment to a person or class of persons on the basis of one or more of the protected classes listed above.

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 any of the protected classes listed above, 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 on the basis of the protected classes listed above.

Harassment may also include other misconduct, like threatening behavior, intimidation, hazing, or bullying if such behavior is based on any of the protected classes listed above. Reports of such behavior will be handled in accordance with the policy and the applicable procedures. Threatening behavior, intimidation, hazing, or bullying that is not based on any of the protected classes listed above is still prohibited by the College, but will be handled in accordance with the respective student handbook or faculty and staff handbooks. For purposes of this policy, the following definitions apply:

- i. Threatening behavior is defined as causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

- ii. Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another;
- iii. 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);
- iv. 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.

B. Sexual Misconduct Policy

The College also prohibits Sexual Misconduct, which includes the following:

- Sex-Based Harassment, which includes sexual assault, domestic violence, dating violence, and stalking; and
- Sexual Exploitation

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>.

The College will take appropriate and immediate action in response to complaints or violations of this policy. For purposes of this policy, the following definitions apply.

i. **Sex Based Harassment**

Sex-Based Harassment – Sex-Based Harassment is a form of sex discrimination and means sexual harassment or other harassment on the basis of sex, including on the basis of sexual orientation and/or gender identity, that is:

- 1) Quid pro quo harassment: an employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct, or

- 2) Hostile environment harassment: unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
- The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the College's education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.

Sexual Assault –Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
 - Penetration, no matter how slight, of the vagina or anus with any body part or object,
 - Oral penetration by a sex organ of another person or by a sex-related object,
 - Touching of the private body parts of another person for the purpose of sexual gratification,
 - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, or
 - Nonforcible sexual intercourse with a person who is under the age of statutory consent.

Domestic Violence - Domestic violence includes felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim, or a person who is similarly situated to a spouse,
- Is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- Shares a child in common with the victim,
- Commits an act against a youth or adult victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking – Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others or to experience substantial emotional distress. A course of conduct is two or more incidents. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media.

Dating Violence – Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where, the existence of such a relationship shall be determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the

persons involved in the relationship.

For reference to the pertinent state statutes on sex offenses, please visit <http://www.ilga.gov/legislation/ilcs/ilcs.asp>.

ii. **Sexual Exploitation**

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of 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.

C. 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. However, 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 or employee 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.

D. Additional Applicable Definitions:

i. Consent

For the purposes of this Policy, 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.

ii. 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.

iii. Reporting Party: In this process, the recipient or victim of the alleged misconduct is referred to as the Reporting Party. While an individual who is not the recipient or victim of the alleged misconduct may certainly notify the College of the alleged misconduct, reference to Reporting Party throughout this policy is limited to the recipient or victim of the alleged misconduct.

iv. Responding Party: In this process, the person who is alleged to have violated campus policy is

referred to as the Responding Party.

E. Anti-Retaliation Policy

Retaliation against anyone involved in a case or report of discrimination or harassment of any kind, including Sexual Misconduct, is prohibited.

Examples of retaliation 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

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. Any incidents of retaliation should be immediately reported to the Title IX Coordinator, Deputy Coordinators, or HR Designees.

Reporting Policy Violations

Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College’s Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees.

The College’s Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees and Human Resources Designee oversee compliance with all aspects of the nondiscrimination policy. The Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees are accountable to the President of the College. Questions about this policy should be directed to either the Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees. The Human Resources Designee will generally focus on compliance with this policy for employees, but may still be contacted with regard to other concerns in the Title IX Coordinator’s absence.

Title IX Coordinator, Deputies, and HR Designees Contact Information

Title IX Coordinator – **Logan Elliott** – Demuzio Campus Center 133, 217-854-5618, titleix@blackburn.edu

Deputy Coordinator (Work Program) – OPEN

Deputy Coordinator (Athletics) – **Kim Camara-Harvey** – Woodward 113, 217-854-5719, kim.camaraharvey@blackburn.edu

HR Designee – **Marshall Petty** – Ludlum 209, 217-854-5514, hr@blackburn.edu

The Title IX Coordinator's, Deputy Coordinator's, and Human Resources Designee's contact information is also located inside on the bulletin board in the west door of Ludlum Hall, and other buildings around campus.

In the event an incident involves alleged misconduct by the Title IX Coordinator or HR Designee, reports should be made directly to the President of the College.

Responsible Employees

All staff, faculty, and students in the Work Program are considered Responsible Employees and therefore are required to report violations of this policy to the Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees. Responsible employees cannot maintain confidentiality because they are required to report discrimination or harassment to the Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees. A Responsible Employee **does not** include students who are not participating in the Work Program, staff counselors, or professional staff members employed by Fresh Ideas. Employees are not required to report conduct to which the employee has been subjected.

In essence, almost all members of the College community are considered Responsible Employees. The Title IX Coordinator, Deputy Coordinators, and/or Human Resource Designees are also considered Responsible Employees and cannot ensure confidentiality.

Confidential & Anonymous Reporting

The only employees who are NOT mandated to report violations of this policy are the Director of Counseling Services and other College Counselors. These employees serve as confidential resources for Reporting Parties and can provide options for off-campus resources.

Confidential Reporting options may be contacted as follows:

- Director of Counseling Services - Tim Morenz
Lumpkin 121
tim.morenz@blackburn.edu
217-854-5759

Confidential employees will inform the Reporting Party that the employee is confidential and will not report to the Title IX Coordinator, provide information to the Reporting Party about how to contact the Title IX Coordinator and make a report, and inform the Reporting Party that the Title IX Coordinator can offer supportive measures, an informal resolution process, and/or an investigation.

Additionally, anonymous reports can be made by victims and/or third parties using the Campus Conduct reporting hotline at 866-943-5787, or the online form available at: <https://blackburn.edu/titleixreports/>. However, the anonymity of the report may hinder the College's ability to respond by providing supportive measures or undertaking the grievance process.

Other Reporting Options

Individuals may also report incidents of Sexual Assault, Domestic Violence, Dating Violence, or Stalking to the College's Department of Safety at 217-854-5550.

Individuals also have the option of contacting local law enforcement if they believe they have been the victim of a crime, such as Sexual Assault, Domestic Violence, Dating Violence, or Stalking. In an emergency, individuals should call 9-1-1. Individuals may also contact the Carlinville Police Department by calling 217-854-3221.

Students experiencing harassment or discrimination may also file a formal grievance with government authorities:

Office for Civil Rights (OCR)
Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: (321) 730-1560
Fax: (321) 730-1576
Email: OCR.Chicago@ed.gov
Web: <http://www.ed.gov/ocr>

Offer and Provision of Supportive Measures

Upon receipt of a report, the Title IX Coordinator, Deputy Coordinator, or HR Designee will promptly and confidentially reach out to the Reporting Party to discuss the availability of a variety of supportive measures. Supportive measures should also be offered to the Responding Party as necessary and appropriate.

Supportive measures are designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, or deter discrimination, harassment, and retaliation. These supportive measures should be non-disciplinary, non-punitive, individualized, and provided free of charge. They must be offered regardless of whether a complaint is filed, and must be kept confidential to the extent that such confidentiality would not interfere with providing the supportive measures.

Examples of supportive measures include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the campus community
- Altering housing arrangements
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Making arrangements to offer adjustments to academic deadlines, course schedules, etc.

Supportive measures must not unreasonably burden any party. Supportive measures may continue on past the conclusion of a grievance process or informal resolution where the Title IX Coordinator, Deputy Coordinator, or HR Designee determines it to be appropriate.

Either party may seek review of any decision related to a supportive measure that is related to that party. A party seeking a review of a decision related to a supportive measure applicable to that party should contact the Title IX Coordinator. The Title IX Coordinator will designate an impartial employee to review the decision regarding supportive measures. Upon review, the impartial employee may decide to modify or reverse the decision if they determine that the decision related to the supportive measure was inconsistent with the definition of supportive measure. Parties have the opportunity to request modification or termination of a supportive measure applicable to them if circumstances change materially.

Emergency Removal and Administrative Leave

The College reserves the right to remove a student Responding Party from its educational program or activity on an emergency basis. The College may also suspend a student organization pending completion of the grievance process. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an imminent and serious threat to the health or safety of any student or other individual arising from the allegations of discrimination, harassment, or retaliation justifies removal. In the event a decision is made to remove Responding Party, he or she will be provided with notice by the Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

In all cases in which an emergency removal is imposed, the student or 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 and to determine its conditions and duration.

Violation of an interim suspension or other remedy provided under this policy is grounds for discipline, up to and including expulsion or termination. The Title IX Coordinator may refer violations to the appropriate College employee to be pursued under the Student Conduct policy or Employee Conduct Handbook.

A non-student employee Respondent may be placed administrative leave during the pendency of the grievance process described in this Policy.

Filing a Complaint of Discrimination, Harassment, or Retaliation

In the event that a Reporting Party wishes for the College to proceed with an investigation and hearing into the allegations of discrimination, harassment, or retaliation pursuant to the grievance process procedures in this Policy, he or she must file a complaint. A complaint is an oral or written request to the College that requests the College investigate discrimination, harassment, or retaliation in a prompt and timely manner and make a determination.

While a written complaint is not required, Reporting Parties are encouraged to submit their complaint in writing in order to provide detailed information with their complaint and to clearly communicate their request to start

the grievance process. The College recommends including as much information as possible in the complaint, including a description of the alleged conduct, the identity of the Responding Party, the identities of any witnesses, and any supporting documentation or evidence. If a complaint is submitted verbally, the Title IX Coordinator, Deputy Coordinator, or HR Designee will confirm the details of the complaint in writing. A complaint may be submitted in person, by mail, by email, or via the College's online form:

<https://blackburn.edu/titleixreports/>.

If there is no complaint, a complaint is completely or partially withdrawn, or in the absence or termination of an informal resolution process, the Title IX Coordinator, Deputy Coordinator, or HR designee must determine whether or not to file a complaint. For the Title IX Coordinator, Deputy Coordinator, or HR Designee to initiate a complaint, they must consider:

- (1) The Reporting Party's request not to proceed with initiation of a complaint;
- (2) The Reporting Party's reasonable safety concerns regarding initiation of a complaint;
- (3) The risk that additional acts of discrimination, harassment or retaliation would occur if a complaint is not initiated;
- (4) The severity of the alleged discrimination, harassment, or retaliation, including whether the conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the parties, including whether the Responding Party is an employee of the recipient;
- (6) The scope of the alleged discrimination, harassment, or retaliation, including information suggesting a pattern, ongoing discrimination, harassment or retaliation, or discrimination, harassment, or retaliation alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether discrimination, harassment, or retaliation occurred; and
- (8) Whether the recipient could end the alleged discrimination, harassment, or retaliation and prevent its recurrence without initiating

If the Title IX Coordinator, Deputy Coordinator, or HR Designee determines that the alleged conduct presents an imminent and serious threat to the health and safety of the Reporting Party or other persons, or that the alleged conduct prevents the College from ensuring equal access to the education program or activity on the basis of sex, then the Title IX Coordinator, Deputy Coordinator, or HR Designee may file a complaint. Before filing a complaint, a Title IX Coordinator, Deputy Coordinator, or HR Designee must notify the Reporting Party and appropriately address any reasonable concerns about the Reporting Party's safety and the safety of others. The Reporting Party will not be required to participate in the investigation or resolution process.

The Title IX Coordinator may consolidate complaints where the allegations of discrimination, harassment, and/or retaliation arise out of the same facts or circumstances. Where a complaint includes more than one Reporting Party or more than one Responding Party, any references in this policy to a single Reporting Party and/or Responding Party will also refer to multiple Reporting Parties and/or Responding Parties.

Informal Resolution

An informal resolution offers the parties the opportunity to reach an agreement to resolve the report or complaint without completing the grievance process set out in this Policy. The Title IX Coordinator, Deputy Coordinator, or HR Designee may offer the parties the opportunity to engage in an informal resolution process, when they determine that the report or complaint is appropriate for informal resolution. Parties may also request to engage

in informal resolution, though the Title IX Coordinator, Deputy Coordinator or HR Designee may decline the request where they determine that the report or complaint is not appropriate for an informal resolution. Participation in an informal resolution process is voluntary

Informal resolution may occur at any time before a final determination is made. The informal resolution process will be facilitated by an individual who is not the investigator or decisionmaker in the grievance process, does not have a conflict of interest, and has received training on the informal resolution process and how to serve impartially.

Before the parties engage in an informal resolution process, the parties will receive a written notice that explains: the allegations, the requirements of the informal resolution process, that the party can withdraw from the informal resolution process, that the agreement to an informal resolution would end the grievance process and prevent restarting the process in relation to the allegations, potential terms that can be requested in an informal resolution agreement (which include but are not limited to: restrictions on contact, restrictions on the respondents participation in one or more programs or activities), that an informal resolution agreement is binding on the parties, what information will be maintained and whether/how information from the informal resolution process will be used in the grievance process if the grievance process is restarted.

Grievance Procedures

A. General Provisions

The College is committed to ensuring that this grievance 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 request to the Title IX Coordinator, Deputy Coordinator, or HR 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. The Title IX Coordinator, Deputy Coordinator, or HR Designee will determine whether a conflict of interest or bias exists and will appoint an alternative official if appropriate. Such petitions may be made to the Title IX Coordinator in the event that the potential conflict or bias involves the Deputy Coordinator or HR Designee. In that case, the Title IX Coordinator will determine whether a conflict of interest or bias exists and will appoint an alternative official if appropriate. Such petitions may also be made to the College president in the event that the potential conflict or bias involves the Title IX Coordinator. In that case, the College president will determine whether a conflict of interest or bias exists and will appoint an alternative official if appropriate.

The Responding Party will be presumed not responsible for the policy violation that is alleged in the complaint unless and until the Responding is found responsible by the Hearing Body at the conclusion of the grievance process.

The College uses the preponderance of the evidence (also known as "more likely than not") as the standard of proof when determining whether a violation of this policy occurred. In campus resolution proceedings, criminallegal 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 grievance process generally will be completed within 120 days. The preliminary inquiry of the complaint by the Title IX Coordinator, Deputy Coordinator or HR Designee will generally be completed within 10 days, the investigation completed with 60 days following the preliminary review, and the hearing and determination completed within 30 days following the investigation, and the appeal within 20 days following the determination.

However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator, Deputy Coordinator, or HR Designee when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator, Deputy Coordinator, or HR Designee will notify all parties in writing of the delay, the length of the extension granted and the reason for the extension.

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.

The Title IX Coordinator, Deputy Coordinator, or HR Designee will take reasonable steps to protect the privacy of the parties and witnesses, but will not restrict the ability of the parties to obtain or present witnesses; to consult with family members, confidential resources or advisors; or to otherwise prepare for and participate in these grievance procedures. The College will not disclose the identity of the parties, except as necessary under this Policy, to implement supportive measures, or when required by state or federal law. The unauthorized disclosure of information and evidence obtained through this grievance process is prohibited.

B. Preliminary Inquiry and Dismissal

Upon receipt of a complaint, the Title IX Coordinator, Deputy Coordinator, or HR Designee will conduct a preliminary inquiry that consists of reviewing the allegations set forth in the complaint to ensure they fall within the scope of this policy as set forth above. Even if a complaint cannot proceed under this policy, it may be referred to another College policy or procedure where appropriate. The Title IX Coordinator, Deputy Coordinator, or HR Designee is not required to dismiss a complaint, but may choose to dismiss a complaint if:

1. The College cannot identify the Responding Party after taking reasonable steps to do so;
2. The Responding Party is not participating in the education program or activity of the College and is not employed by the College;
3. The Reporting Party voluntarily withdraws the some or all of the allegations in writing, the Title IX Coordinator, Deputy Coordinator, or HR Designee decides not to file a complaint, and without the withdraw complaint or allegations, the remaining alleged conduct does not constitute discrimination, harassment, or retaliation as defined in this policy; or

4. The Title IX Coordinator, Deputy Coordinator, or HR Designee determines that, after reasonable efforts to clarify the allegations with the Reporting Party, the alleged conduct, even if true, does not constitute discrimination, harassment, or retaliation as defined by this policy.

If allegations in a complaint are dismissed, they may still be investigated and resolved pursuant other applicable College policies. The Title IX Coordinator, Deputy Coordinator, or HR Designee has the discretion to refer the allegations to the appropriate College official. To the extent the behavior alleged in the complaint could constitute a violation of another College policy, it may be pursued under that policy.

Following any dismissal of a complaint, the Title IX Coordinator, Deputy Coordinator, or HR Designee will simultaneously send a written notice to the parties of the dismissal, the reasons for the dismissal, and that the dismissal may be appealed. If the Responding Party has not yet received a notice of allegations at the time of the dismissal, only the Reporting Party will be notified of the dismissal. If a complaint is dismissed the Title IX Coordinator, Deputy Coordinator, or HR Designee will still offer supportive measures to the Reporting Party and Responding Party, where the Responding Party has received notice of the allegations, and take other appropriate actions to ensure sex-based harassment does not continue or recur.

The decision to dismiss the complaint may be appealed by petitioning the Provost or designee, who will serve as the Appeal Officer. 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 notice of dismissal. Only appeals based on the criteria established in this policy will be heard.

Appeals are limited to the following bases:

- Procedural irregularity that would change the outcome of the matter;
- New evidence that was not reasonable available at the time of the dismissal of the complaint that would change the outcome of the matter; or
- The Title IX Coordinator, Investigator, or Hearing Body had a conflict of interest or bias for or against Reporting Parties or Responding Parties that would change the outcome of the matter.

The request should include a short statement outlining the basis for appeal. The following are recommended elements of an appeal:

- Clear and concise description of the basis for the appeal and the facts supporting that basis;
- Any supporting documentation and evidence;
- Name and all contact information for the appealing party;
- Signed and dated by the appealing party.

The Appeal Officer will conduct an initial review of the appeal request – if the appeal request is not timely or does not meet the required bases for appeal, then the original finding and sanction, if any, will stand. The Appeal Officer will notify the parties in writing that an appeal has been filed. If the Responding Party was not provided with written notice of the allegations before the dismissal, the Responding Party will receive notice of the allegations as well as notice of the appeal. Each party will then have 5 days to submit a written

statement in support of, or challenging the outcome of the hearing. The party requesting appeal must show clear error in the dismissal, as the dismissal is presumed to have been decided reasonably and appropriately. An appeal is not an opportunity for the Appeals Officer to substitute their judgment for that of the Title IX Coordinator, Deputy Coordinator, or HR Designee because they disagree with the dismissal.

In most cases, the Appeal Officer will determine the appeal based on a review of the written documentation and written appeal statements of the parties. If necessary, the Appeal Officer may request additional interviews with parties or witnesses in reviewing the appeal.

The Appeal Officer may reverse the dismissal decision and allow the complaint to proceed through the grievance process. The Appeal Officer will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision within 7 days of the deadline for parties to submit their written statements. The Appeal Officer's written determination will be provided simultaneously to all parties. The Appeal Officer's decision to deny an appeal request is final.

C. Notice

Following an initial preliminary inquiry of the complaint, the Title IX Coordinator, Deputy Coordinator, or HR Designee will issue a written notice to the parties. The written notice should include, if known, the identity of the parties; the conduct alleged to be discrimination, harassment, or retaliation; and the date(s) and location(s) of the incident(s). The notice will include a copy of this Policy. The notice will also include a statement that retaliation is prohibited and that the parties are entitled to an equal opportunity to access relevant, not impermissible, evidence.

The Title IX Coordinator, Deputy Coordinator, or HR Designee may delay issuing a notice where there is a reasonable concern for the safety of any person that is based on an individualized safety and risk analysis. If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, a supplemental written notice will be issued to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

D. Participation of Advocates in the Investigation, Resolution Process, and Subsequent Appeals

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, available, and agrees to serve as an advocate. 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 (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Reporting Parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<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, Deputy Coordinator, or HR Designee 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 third 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 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.

E. Investigation Process

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, Deputy Coordinator, or Human Resources Designee will typically assign two Investigators to all investigations, one of which must be the Director of Campus Security and Safety or Designee. The Investigators will have received training as outlined in this policy. The College may designate outside investigators as the Investigators

The Investigators will provide written notice of any meetings or interviews to the parties and/or witnesses in advance of the meeting or interview with sufficient time to prepare for the meeting or interview. A party or witness may request to meet sooner. This notice will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting.

The burden will be on the Investigators to fully and fairly investigate the allegation in the complaint. An investigation will include, where possible, interviewing the Reporting Party, Responding Party, and any relevant witnesses. The Investigators may record interviews at their discretion, with the consent of the interviewee.

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

- 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 the Reporting Party, Responding Party, and all witnesses;
- Meet with the Reporting Party to take and finalize their statement;
- Meet with the Responding Party to take and finalize their statement;
- Complete the investigation promptly, within the time frames set out in this policy;
- Provide regular updates to both the Reporting and Responding Parties, as appropriate, throughout the investigation;
- All statements can be read by the Reporting Party and the Responding Party AFTER all statements have been submitted;
- 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.

All parties will have an equal opportunity to present witnesses and relevant, not otherwise impermissible evidence to the Investigators. Relevant means related to the allegations of discrimination, harassment, or retaliation under investigation. Evidence is relevant when it may aid the Hearing Body in determining whether the alleged conduct occurred. The following types of evidence are impermissible, even if relevant:

- Privileged information, unless privilege is voluntarily waived;
- Evidence provided to a confidential employee, unless the confidentiality is voluntarily waived;
- Records maintained by a physician, psychologist or other professional providing treatment, unless there is voluntary, written consent;
- Evidence of the complainant's sexual interests or prior sexual conduct, unless it is:

- Evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct, or
- Evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The Investigators will prepare an investigative report that accurately describes all the relevant evidence, and will provide the parties and their advisors with a copy of the investigative report. The investigative report should include a description of all steps taken in the investigation as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigators. The Investigators will make relevant, not otherwise impermissible, evidence available to the parties upon request.

The Investigators will send a copy of the report to the parties and their advisors prior to any hearing for the parties’ review. Parties may submit a written response if they so choose

F. Hearing and Determination of Responsibility

After the conclusion of the investigation, a live hearing before a Hearing Body will be held. A Hearing Body is made up of three members of the campus community. A Hearing Body will always consist of one staff member, one faculty member, 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; making a determination based on the preponderance of evidence standard as to whether a violation of the policy more likely or not occurred; making a prompt, fair, and reasonable decision on the findings; and determining appropriate sanctions.

The Conduct Officer will be a member of the campus community that 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 a policy violation is found. In a case where the Conduct Officer is directly involved, the President will appoint an interim Conduct Officer.

Reporting and Responding Parties will receive notice of the names of the members of the Hearing Body, which will make a finding as to whether a policy violation occurred and impose a sanction if appropriate, before the Hearing Body initiates contact with either party. All parties will have the opportunity to request a substitution if the participation of an member of the Hearing Body when the party believes there is a conflict of interest.

At the end of an investigation, the assigned investigator will submit their report to the Hearing Body for review. Once the Hearing Body has reviewed the report, the investigator, along with the Title IX Coordinator, Deputy 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. At the conclusion of the hearing, the Conduct Officer will present the Reporting and Responding Parties with the findings, a decision, and sanctions (if applicable), subject to appeal.

The Hearing will take the following steps during a hearing:

- The Conduct Officer will read the charge(s) along with the names of the parties.
- 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 alleged offense(s).
- The Investigators will submit relevant, not otherwise impermissible evidence and will identify witnesses who can speak to the alleged conduct. The Investigators will provide a copy of the investigative report and all evidence that is relevant to the allegations in the complaint and not otherwise impermissible to the Hearing Body and will make the evidence available at the hearing. However, the Hearing Body must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.
- The Reporting and Responding Parties may be asked to present their statements, provide clarification, or answer questions from the Hearing Body 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 of the Hearing Body 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 Party 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.
- All hearings are closed to the public and may be held in person in a conference room or a classroom, or virtually.
- 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 out 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 alleged policy violation in questions. Character witnesses are also not allowed as they cannot substantiate or invalidate any act of misconduct.
- Evidence and questions will be limited to what is relevant, and not otherwise impermissible, as determined by the Conduct Officer. Relevant means related to the allegations of discrimination, harassment, or retaliation being considered at the hearing. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred. Questions seeking the following types of evidence are impermissible, even if relevant:
 - Privileged information, unless privilege is voluntarily waived;
 - Evidence provided to a confidential employee, unless the confidentiality is voluntarily waived;
 - Records maintained by a physician, psychologist or other professional providing treatment, unless there is voluntary, written consent;
 - Evidence of the complainant's sexual interests or prior sexual conduct, unless it is:
 - Evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct, or
 - Evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

- The Hearing Body may evaluate and consider all relevant evidence, including, but not limited to, statements by parties and witnesses during the hearing, information presented by parties or witnesses at the hearing, information contained in the investigation report, and information gathered during the investigation. This could include statements in the investigation report, police reports, medical reports, text messages, social media posts or messages, or other documents.
- When making the determination on responsibility, the Hearing Body has the discretion to determine the weight to give statements and evidence, based on the reliability and/or credibility of the statements and evidence. Credibility determinations may not be based on an individual's status as a Reporting Party, Responding Party, or witness. When determining the reliability and/or credibility of statements and evidence, the Hearing Body should consider the totality of the evidence and context, including, but not limited to:
 - The reasonableness and inherent plausibility of the statement or evidence in light of all the evidence;
 - The witness or party's opportunity or ability to see or hear the things described in the statement;
 - Whether there is any other statement or evidence to corroborate the statement or evidence;
 - Whether there are inconsistencies in the statement or evidence;
 - Whether other evidence or statements contradict or dispute the witness's statement or evidence;
 - The witness or party's interest in the outcome and/or motive to provide a false statement or evidence, if any;
 - The witness or party's demeanor and behavior while making the statement;
 - The witness or party's memory of the information in the statement;
 - The witness or party's bias or prejudice, if any.
- Once the Hearing Body makes a decision regarding whether a violation of policy occurred and what sanctions (if any) will be imposed, the parties will receive written verification of the Hearing Body's decision from the Title IX Coordinator, Deputy Coordinator, or HR Designee as follows:
 - If it is determined that the Responding Party has not violated the policy, notice will be made to all parties.
 - If it is determined that the Responding party has violated the policy, sanctions will be determined and notice will be made to all parties.
 - In all cases, regardless of the findings, the Reporting Party and Responding Party will receive simultaneous written notification of the findings, any resulting responsive actions or sanctions (subject to the following limitations), 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.
 - If there is a finding that sex discrimination or Sexual Misconduct occurred, the Reporting Party will be notified of all responsive actions or sanctions imposed. If there is a finding that discrimination or harassment other than sex discrimination or Sexual Misconduct occurred, the Reporting Party will be informed what sanctions, if any, were imposed on the Responding Party if such sanction 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.).
- Once the notice of decision is received in person, mailed or emailed, it will be deemed presumptively delivered.
- Appropriate sanctions could include: completion of counseling programs; social improvement plan; 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 Body may be applied.

- When there is a finding of responsibility, in addition to sanctions imposed on the Responding Party, remedies can be offered to the Reporting Party, or others as appropriate, in order to restore and preserve equal access to the College's educational program and activities. Remedies may be, but are not limited to, a continuation of previously offered supportive measures. Additionally, remedies may burden the Responding Party or be punitive/disciplinary in nature.
- Either the Responding Party or the Reporting 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.

G. 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 criteria outlined below.

1. Criteria for Appeal

The ONLY grounds for appeal are as follows:

1. A procedural 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.

2. Requesting an Appeal

The decision of the Hearing Body may be appealed by petitioning the Provost, or designee, who will serve as the Appeal Officer. 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 or employee to his/her prior status, recognizing that some

opportunities lost may be irreparable in the short term.

3. The Appeal Process

The Appeal Officer 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; or modify the sanction. Based on the written requests/responses or on interviews as necessary, the Appeal Officer 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 Appeal Officer 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 of 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 Appeal Officer will typically render a written decision on the appeal to all parties within five (5) businessdays from hearing of the appeal. The Appeal Officer's decision to deny an appeal request is final.

Confidentiality

Information related to alleged violations of this policy and any subsequent investigation and resolution process will be treated as confidential and will be shared with others on a need-to-know basis to the extent they are involved in the investigation and resolution process and/or directly responsible for the College's response to the incident. Participants in the investigation and resolution process must keep the content of any interview, investigation, and/or hearing confidential.

When complying with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the College will not include names or other identifying information in publicly available reports.

Additional Provisions

A. Past Character

While previous conduct violations by the Responding Party are not generally admissible as information about the present allegation, the Investigators, Hearing Body, and/or Appeal Officer may consider previous reports of good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

B. 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 or video conferencing, 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.

C. Recordkeeping

The Title IX Coordinator, Deputy Coordinator, or HR Designee will maintain the following records for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or grievance process, including the outcome;
- For each report of sex discrimination received by the Title IX Coordinator, records documenting the actions taken by the Title IX Coordinator in response to the report to meet the obligations of Title IX; and
- All materials used to train the Title IX Coordinators, Investigator, Hearing Body, Appeal Officer, any individual who facilitates an informal resolution, and person who can modify or terminate a supportive measures; and any other person who has responsibility for implementing the College’s grievance procedures.

D. 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. Individuals will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation. A party or witness will not be disciplined for making a false statement based solely on the outcome of the grievance process. A complaint of submitting a false charge or making a false statement will be referred to the appropriate College official.

E. 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.

Training

Personnel tasked with implementing these procedures and in providing services to survivors, (e.g.: Title IX Coordinator, investigators, Hearing Body, advisors, Provost, mediators, etc.) will receive a minimum of 8 to 10 hours of training annually. This training will include:

1. The College's Title IX Policy and Procedures for Complaints of Sex-Based Harassment involving a Student Party and the Equal Employment and Nondiscrimination Statement, Policy, and Procedures;
2. Relevant state and federal laws;
3. The roles of the College, medical providers, law enforcement, and community agencies in providing coordinated response;
4. Effects of trauma on a survivor;
5. Types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking (including same sex violence); and
6. Consent and the role drugs and alcohol can have on the ability to consent.

Training shall also seek to improve trainees ability to:

1. Respond with cultural sensitivity;
2. Provide services or assist in locating services for survivors; and
3. Communicate sensitively and compassionately with survivor.

The College will ensure that the Title IX Coordinator, Investigator, Hearing Body, Appeal Officer, any person who has responsibility for implementing the College's grievance procedures, and any person who has authority to modify or terminate supportive measures will have training on:

- The College's obligations to respond to reports of sex discrimination under the Title IX regulations;
- The College's grievance procedures, including the procedures provided in the College's Title IX Policy and Procedures for Complaints of Sex-Based Harassment involving a Student Party and the Equal Employment and Nondiscrimination Statement, Policy, and Procedures;
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias; and
- The meaning and the application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

The College will ensure any person who facilitates an informal resolution has received training on:

- The rules and practices associated with the College's informal resolution Process; and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

In addition to training on the above topics, the Title IX Coordinator will also receive training on:

- The obligation of the Title IX Coordinator to coordinate the College's efforts to comply with its responsibilities under Title IX;
- The Title IX Coordinator's responsibilities under the College's Policy on Student Pregnancy and Related Conditions;
- The Title IX Coordinator's responsibilities under the College's Title IX Policy and Procedures for Complaints of Sex-Based Harassment involving a Student Party and the Equal Employment and

- Nondiscrimination Statement, Policy, and Procedures; and
- The College’s recordkeeping systems and the requirements for recordkeeping under the Title IX regulations.

The College will also provide annual training to all students on sexual violence primary prevention and awareness, which will include: the definition of consent, inability to consent and retaliation; reporting to the institution, campus law enforcement and local law enforcement; reporting to the confidential advisor or other confidential resources; available survivor services; strategies for bystander intervention and risk reduction.

The College will provide annual training to all employees on the College’s obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX and its regulations; the requirement to notify the Title IX Coordinator of a student’s pregnancy or related conditions; and the requirements to notify the Title IX Coordinator if the employee becomes aware of sex discrimination.

Resources for Victims of Sexual Misconduct

The College encourages members of the campus community who are victims of Sexual Misconduct to take the following steps:

- Get to a safe place as soon as possible.
- Contact local law enforcement.
- Do not blame yourself. Sexual Misconduct is never the victim/survivor’s fault.
- Seek immediate medical attention at an area hospital or medical clinic.
- If possible, do not change clothes, shower, bathe, douche, or urinate. Emergency room personnel are trained to check for injuries, as well as to collect physical evidence. It is important to preserve evidence as it may be necessary should you decide to pursue criminal charges. Costs for providing and administering the “rape kit” are incurred by the Illinois Department of Public Health.
 - The nearest medical facility where an individual can receive a forensic medical exam (“rape kit”) is Springfield Memorial Hospital, 701 N. First St., Springfield, IL 62781, 217-788-3000.
- Report the Sexual Misconduct to the College, and utilize the College’s resources to seek support. Incidents of Sexual Misconduct are notoriously underreported on college campuses, often because the victims/survivors do not recognize their experience as a criminal offense and/or a college violation or their lack of knowledge of and/or discomfort with campus and community resources. By seeking assistance and reporting Sexual Misconduct, you can begin your own healing process and promote standards of community and respect.

Please be aware that hospital personnel may be obligated to contact proper authorities regarding a sexual assault or other criminal behavior. Although you are not obligated to do so, victim/survivors of Sexual Misconduct are highly encouraged to take advantage of the resources listed below, which can help you understand your options for off-campus proceedings, as well as make you aware of services such as counseling that are specific to your needs. Other options may be available to victim/survivors, such as obtaining an order of protection, no contact order, or restraining order from the court system.

Off-Campus Crisis Hotlines (available 24/7)

- Rape, Abuse and Incest National Network

800-656-HOPE

<https://hotline.rainn.org/online>

- Prairie Center Against Sexual Assault
217-753-8081

<https://prairiecasa.org/>

Springfield: 3 West Old State Capitol Plaza Springfield, IL 62701; (217) 744-2560

Jacksonville: 208 South Mauvaisterre St. Jacksonville, IL 62650; (217) 243-7330

Taylorville: 215 West Main Cross Taylorville, IL 62568; (217) 824-9895

- 800-799-7233 (Domestic Violence Hotline)
- 800-227-8922 (Sexually Transmitted Disease Hotline 8 a.m.—8 p.m. Monday—Friday)

Individual and Group Counseling

- 217-854-3166 (Locust Street Resource Center)
- 217-839-1526 (Maple Street Clinic)
- 217-854-4511 (Catholic Charities)
- 217-753-8081 (Prairie Center Against Sexual Assault) Other Help Lines
- 800-552-6843 (U.S. Attorney General for Hate Crime Reports)
- 800-552-7096 (Child Abuse Hotline)

Medical Issues

- 217-839-1526 (Maple Street Clinic)

Hospitals

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

Legal Assistance

- 217-753-4117 (IL Coalition Against Sexual Assault—Springfield)
- 888-259-6364 (Macoupin County Safe Families)
- 217-854-3221 (Police Non-Emergency)

In the case of an off-campus emergency situation, dial 911.