

ILLINOIS COLLEGE POLICY ON SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION

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ILLINOIS COLLEGE POLICY ON SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES (Hereinafter, "Policy")

1. Purpose

Illinois College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

Illinois College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Illinois College has developed policies and procedures that provide for the prompt and equitable resolution of allegations of sex discrimination, sex-based harassment, retaliation or other conduct prohibited by this policy. The Resolution Process for Alleged Sex Discrimination, Sex-Based Harassment, and Retaliation ("Resolution Process") is available at www.ic.edu/sexualmisconduct

2. Policy Statement

Illinois College adheres to all federal and state civil rights laws banning discrimination in institutions of higher education, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 ("Title IX"), the Violence Against Women Act, and the Illinois Preventing Sexual Violence in Higher Education Act.

As a recipient of federal financial assistance for education activities, Illinois College prohibits discrimination on the basis of sex in all of its education programs and activities do not discriminate on the basis of sex. Sex includes sex, sex stereotypes, sex characteristics, gender identity, sexual orientation, and pregnancy or related conditions.

Sex discrimination is prohibited under Title IX and by Illinois College Policy, and it includes sexual and other sex-based harassment, sexual assault, dating and domestic violence, stalking, quid pro quo harassment, hostile environment harassment, sex-based disparate treatment, and sex-based disparate impact. Illinois College also prohibits retaliation against any person opposing discrimination or harassment or participating in any internal or external investigation or complaint process related to allegations of sex discrimination.

Any Illinois College faculty member, employee, volunteer, or student who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities, and/or

benefits of any member of the Illinois College community on the basis of sex is in violation of the Policy.

Illinois College will promptly and effectively address any such discrimination, harassment and/or retaliation prohibited under this Policy of which it has Knowledge/Notice using the procedures in the Resolution Process.

3. Resolution Process Pool Contacts

Illinois College has appointed members to the Resolution Process Pool, comprised of the following individual(s), to coordinate Illinois College's compliance with federal, state, and local laws:

For sex discrimination and sex-based harassment allegations:

Title IX Coordinator

Angela Valuck
Title IX Coordinator
Parker, Room 110
1101 West College Avenue
Jacksonville, IL 62650
217.245.3660
angela.valuck@ic.edu
www.ic.edu/sexualmisconduct

Title IX Deputy Coordinators

Rebecca Leatherwood
Student Development Program Coordinator
Lincoln Hall, Room 1106
217.245.3556
rebecca.leatherwood@ic.edu

Abby Vorreyer
Assistant Director of Athletics
Bruner, Room 1250
217.245.3342
abby.vorreyer@ic.edu

[Additional Resolution Process Pool Member Listing](#)

Collectively, the Title IX Coordinator and Deputy Title IX Coordinators are responsible for providing comprehensive nondiscrimination education and training to students and employees about this Policy and the Resolution Process; coordinating Illinois College's prompt and

equitable resolution of all alleged Prohibited Conduct under this Policy and the Resolution Process, including the effective implementation of supportive measures and remedies; and monitoring the effectiveness of this Policy and related procedures and addressing barriers to reporting to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Illinois College will provide annual training to students and employees, including individuals involved in the Resolution Process, in accordance with the applicable laws.

4. External Contact Information

Concerns about Illinois College's application of this Policy may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

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

Illinois Department of Human Rights (IDHR)
Sexual Harassment in Education
Chicago: 312.814.6200
Chicago TTY: 866.740.3953
Springfield: 217.785.5100
Springfield TTY: 866.740.3953
Website: <http://www2.illinois.gov/dhr/FilingCharge>

5. Mandated Reporting and Confidential Employees

All Illinois College faculty and employees (including student workers and volunteers), other than those deemed Confidential Employees and Advisors, are Mandated Reporters and are expected to report all known details of actual or suspected discrimination, harassment, and/or retaliation to the Title IX Coordinator immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal Illinois College action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following section describes Illinois College's confidential reporting options for a Complainant or third party (including parents/guardians when appropriate):

A. Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, Illinois College has designated specific employees as Confidential Employees. Those designated by Illinois College as Confidential Employees are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with information about the following:

- The employee's status as a Confidential Employee for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Prohibited Conduct;
- How to contact the Title IX Coordinator and how to make a complaint of Prohibited Conduct; and
- That the Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Resolution Process.

Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Illinois College official unless a Complainant has requested the information be shared.

There are three categories of Confidential Employees: 1) Those with privilege or confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and counselors; 2) Those whom Illinois College has specifically

designated as confidential for purposes of providing support and resources to the Complainant; and 3) Those conducting human subjects research as part of a study on sex discrimination approved by Illinois College's Institutional Review Board (IRB).

For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order. For those in category 2) and 3), above, the Confidential Employee does not have reporting obligations to the Title IX Coordinator only with respect to information received while performing functions within the scope of their duties, such as providing support and resources to the Complainant, or while conducting the study.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

Confidential Employees

- Illinois College licensed professional counselors and staff
- Illinois College health services providers and staff

Designated Confidential Employees

- Athletic trainers

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information to the Title IX Coordinator for Clery Act purposes unless they believe it would be harmful to their client or patient.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Illinois College Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical

attention and assistance in dealing with the criminal justice system. Off-campus resources will also generally maintain confidentiality and not share information with Illinois College unless the Complainant requests the disclosure and signs a consent or waiver form. A complete listing of support resources can be found on the Title IX webpage for Support Services [here](#).

6. Scope

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sex-based harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and at the following links: For Policy click [HERE](#). For Procedures click [HERE](#).

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in Illinois College's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of sex as listed in the Title IX Policy Statement. Procedures may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, the College will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, the College will consider the student-employee's primary relationship to Illinois College and whether the alleged conduct occurred as part of educational- or employment-related work.

7. Jurisdiction

This Policy covers all education programs and activities and locations of Illinois College and conduct that is subject to Illinois College's disciplinary authority. This may include but is not limited to Illinois College-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus incidents that have an on-campus impact or affect members of the Illinois College community regardless of whether such members are on or off campus; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to Illinois College's operations and/or mission, or affects students. Illinois College will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

A Complainant does not have to be a member of the Illinois College community to file a Complaint, at the discretion of the Title IX Coordinator.

Actions that may cause a substantial disruption include:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- 4) Any situation that substantially interferes with Illinois College's educational interests or mission.

For disciplinary action to be issued under this Policy, the Respondent must be an Illinois College faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of Illinois College community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options, and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). Illinois College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Illinois College through third-party contracts are subject to the policies and procedures of their employers and to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Illinois College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator, if brought to their attention.

8. Supportive Measures

Illinois College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to Illinois College's education program or activity, including measures designed

to protect the safety of all Parties and/or Illinois College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, Illinois College will inform the Complainant, in writing, that they may file a Complaint with Illinois College either at that time or in the future. The Title IX Coordinator will work with a Party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Illinois College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair Illinois College's ability to provide those supportive measures. Illinois College will act to ensure as minimal an academic/occupational impact on the Parties as possible. Illinois College will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student workers
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of Illinois College's decision to provide, deny, modify, or terminate supportive measures applicable to

them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the Title IX Coordinator who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures in § 106.2 of the federal Title IX Regulations. Illinois College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. Illinois College typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

9. Prohibited Conduct

Students, staff, administrators, faculty, and volunteers are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under Illinois College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Illinois College Policy, though supportive measures will be offered to those impacted.

All definitions below encompass actual and/or attempted Prohibited Conduct.

A. Sex Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived sex (as defined above).

Sex discrimination can take two primary forms:

1) Disparate Treatment Discrimination:

- Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived sex and that:
 - Excludes an individual from participation in;
 - Denies the individual benefits of; or

- Otherwise adversely affects a term or condition of an individual's participation in an Illinois College program or activity.

2) Disparate Impact Discrimination:

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - Excludes an individual from participation in;
 - Denies the individual benefits of; or
 - Otherwise adversely affects a term or condition of an individual's participation in an Illinois College program or activity.

Discrimination on the basis of sex includes on the basis of sex stereotypes, sex characteristics, gender identity, sexual orientation, and pregnancy or related conditions.

B. Sex-based Harassment

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex,¹ including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

1) Quid pro quo:

- an employee agent, or other person authorized by Illinois College,
- to provide an aid, benefit, or service under Illinois College's education program or activity,
- explicitly or impliedly conditioning the provision of such aid, benefit, or service,
- on a person's participation in unwelcome sexual conduct.

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 Illinois College's education program or activity

¹ Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex (including sex stereotypes, sex characteristics, gender identity, sexual orientation, and pregnancy or related conditions).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant's ability to access Illinois College's education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within Illinois 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; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in Illinois College's education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. Illinois College is guided by the principles on consent as defined below.

Illinois College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under Illinois College Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Title IX Coordinator.

3) Sexual Assault:

Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.²

a. Rape:

- Penetration, no matter how slight,
- of the vagina or anus,
- with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant

a. Fondling:

- The touching of the private body parts (breasts, buttocks, groin) of the Complainant,
- for the purpose of sexual gratification,

² This definition of sexual assault does not constitute a chargeable offense under the Policy. It is a description encompassing the six chargeable offenses listed below it.

- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.

b. Incest:

- Non forcible sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Illinois law under 720 ILCS 5/11-11, Ch. 38, par. 11-11.

c. Statutory Rape:

- Non forcible sexual intercourse with a person
- who is under the statutory age of consent. In Illinois, the age of consent is 17.

4) Dating Violence:

- Violence³ committed by a Respondent,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - length of the relationship
 - type of relationship
 - frequency of the interaction between the Parties involved in the relationship.

5) Domestic Violence:

- Felony or misdemeanor crimes committed by a person who:
 - is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Illinois, or a person similarly situated to a spouse of the Complainant;
 - is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - shares a child in common with the Complainant; **or**
 - commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Illinois.

6) Stalking:

³ For purposes of this Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm.

- engaging in a course of conduct⁴ on the basis of sex, that is,
- directed at a specific person that would cause a reasonable person⁵ to:
 - fear for the person’s safety, or
 - the safety of others; or
 - suffer substantial emotional distress.⁶

Sanction Ranges

- The range of sanctions for sex discrimination is warning through expulsion or termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Quid Pro Quo harassment is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Hostile Environment harassment is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Rape is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Sexual Assault with an Object is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Sodomy is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Fondling is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

⁴ For purposes of this definition, “A ‘course of conduct’ requires that there be more than one incident and the conduct must be directed at a specific person. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. (Federal Register, Vol 89, No. 83, 04/29/2024, p. 33523). Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.

⁵ Reasonable person is an objective standard meaning a person in the Complainant’s shoes (having similar characteristics/demographics to the Complainant).

⁶ In the context of stalking, a Complainant is not required to obtain medical or other professional treatment and counseling is not required to show substantial emotional distress.

- The range of sanctions for Incest is warning through suspension. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Statutory Rape is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Stalking is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Dating/Domestic Violence is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Sexual Exploitation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.
- The range of sanctions for Retaliation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

C. Retaliation

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,
- by Illinois College, a student, employee, or a person authorized by Illinois College to provide aid, benefit, or service under Illinois College's education program or activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Title IX Sexual Discrimination and Sex-Based Harassment Procedures, including an Informal Resolution process, or in any other appropriate steps taken by Illinois College to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Illinois College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Policy. However, the

determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

F. Related Definitions

As used in this Policy, the following definitions and understandings apply:

1) Consent

According to Illinois Law, consent is a freely given agreement to the act of sexual penetration or sexual conduct in question.

- The lack of verbal or physical resistance, or submission by the Complainant resulting from the use of drugs, force, or threat by the Respondent shall not constitute consent.
- The manner of dress of the Complainant at the time of the offense shall not constitute consent.
- A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after they withdraw consent during the course of that sexual penetration or sexual conduct.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.
- A person can withdraw consent at any time.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation:
 - The person is incapacitated due to the use or influence of alcohol or drugs.
 - The person is asleep or unconscious.
 - The person is incapacitated due to a mental disability.

Since individuals may perceive and experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.⁷

2) Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, 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. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

3) Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they

⁷ Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

10. Standard of Proof

Illinois College uses the preponderance of evidence standard of proof when determining whether a Policy violation occurred. This means that Illinois College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

11. Reports/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to Illinois College of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to Illinois College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made by students, employees, third parties, or bystanders using any of the following options:

- 1) File a Report with, or give verbal Notice directly to, the Title IX Coordinator. Such a Report may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator listed in this Policy.
- 2) Submit an online Report at this [link](#) for sex discrimination and sex-based harassment allegations.

Anonymous Reporting is accepted, but the Report may give rise to a need to try to determine the Parties' identities. Anonymous Reporting typically limits Illinois College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

Reporting carries no obligation to initiate a Complaint, and in most situations, Illinois College is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where Illinois College may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, Illinois College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by submitting a Report that allows Illinois College to discuss and/or provide supportive measures, in most circumstances.

12. Time Limits on Reporting

There is no time limitation on providing Reports/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Illinois College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

13. False Allegations/Evidence and Failure to Comply/Process Interference

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with, destroy or conceal evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Illinois College policies.

Employees, parties and witnesses may also be subject to discipline for the following:

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms

- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an agreement achieved through informal resolution
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Title IX resolution process, including but not limited to:
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

14. Confidentiality/Privacy

Illinois College makes every effort to preserve the Parties' privacy. Illinois College will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures. Additional information regarding confidentiality and privacy can be found in [Appendix C](#).

Unauthorized Disclosure of Information⁸

Employees, parties, and Advisors are prohibited from unauthorized distribution or other disclosure of information created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by Illinois College.

It is also a violation of Illinois College Policy to publicly disclose a party's personally identifiable information without authorization or consent.

15. Emergency Removal/Interim Actions/Leaves

Illinois College can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team. Employees are subject to existing Office of Human Resources procedures for interim actions and leaves.

⁸ Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

16. Federal Timely Warning Obligations

Illinois College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the Illinois College community.

Illinois College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

17. Amnesty

Illinois College encourages the reporting of misconduct and crimes by Complainants and witnesses and maintains a Policy of offering Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by Illinois College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

A. Students

Illinois College maintains an amnesty policy for students who offer help to others in need.

B. Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. Illinois College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

18. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. Illinois College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name, if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

19. Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking
- 4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with the Clery Compliance Officer for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include student affairs/student conduct staff, Department of Public Safety staff, local police, coaches,

athletic directors, residential life staff, CSEIB staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities, as designated by the College.

20. Independence and Conflicts of Interest

The Title IX Coordinator manages the Title IX Resolution Process Pool and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Title IX Resolution Process Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact Provost O'Connell at 217.245.3010 or catharine.oconnell@ic.edu. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Process Pool member should be raised with the Title IX Coordinator.

21. Revision of this Policy

This Policy supersedes any previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. Illinois College reserves the right to make changes to this document as necessary and required by law. Once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.

APPENDIX A: DEFINITIONS

The following definitions apply to the Illinois College Policy and Procedures on Sexual Discrimination, Sex-Based Harassment and Retaliation:

- **Advisor.** Any person chosen by a party, or appointed by the College, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
- **Title IX Coordinator.** The person with primary responsibility for overseeing and enforcing the Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation. As used in these policies and procedures, the "Title IX Coordinator" also includes their designee(s).
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s) accordingly.
- **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, or retaliation under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment or under the Policy and who was participating or attempting to participate in Illinois College's education program or activity at the time of the alleged discrimination, harassment or retaliation.
- **Complaint.** An oral or written request to Illinois College that can objectively be understood as a request for Illinois College to investigate and make a determination about the alleged Policy violation(s).
- **Confidential Employee.**
 - An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom Illinois College has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.

- **Day.** A business day when Illinois College is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.
- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
- **Education Program or Activity.** Locations, events, or circumstances where Illinois College exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs and also includes any building owned or controlled by a student organization that Illinois College officially recognizes.
- **Employee.** A person employed by Illinois College either full- or part-time, including student employees when acting within the scope of their employment.
- **Final Determination.** A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.
- **Finding.** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination in the Resolution Process.
- **Investigation Report.** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by Illinois College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report. The Investigator may also be the Decision-Maker.
- **Knowledge.** When Illinois College receives Notice of conduct that reasonably may constitute harassment, discrimination, or retaliation in its Education Program or Activity.
- **Mandated Reporter.** An Illinois College employee who is obligated by Policy to share Knowledge, Notice, and/or reports of discrimination, harassment, and/or retaliation with the Title IX Coordinator.⁹
- **Notice.** When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
- **Parties.** The Complainant(s) and Respondent(s), collectively.

⁹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy.

- ***Pregnancy or Related Conditions.*** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
- ***Protected Characteristic.*** Any characteristic for which a person is afforded protection against discrimination and harassment by law or Illinois College Policy.
- ***Relevant Evidence.*** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, or retaliation occurred, or in determining the credibility of the Parties or witnesses.
- ***Remedies.*** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to Illinois College’s Education Program and Activity.
- ***Resolution Process.*** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution and Administrative Resolution
- ***Respondent.*** A person who is alleged to have engaged in conduct that could constitute discrimination, harassment, or retaliation for engaging in a protected activity under this Policy.
- ***Sanction.*** A consequence imposed on a Respondent who is found to have violated this Policy.
- ***Sex.*** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- ***Student.*** Any person who has gained admission.
- ***Title IX Coordinator.*** At least one official designated by Illinois College to ensure ultimate oversight of compliance with Title IX and Illinois College’s Title IX program. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.

APPENDIX B: STATEMENT OF THE PARTIES' RIGHTS

Under this Policy and procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, and/or retaliation when reported in good faith to Illinois College officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Have all personally identifiable information protected from Illinois College's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by Illinois College officials.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution, if Informal Resolution is approved by the Title IX Coordinator.
- Not be discouraged by Illinois College officials from reporting discrimination, harassment, retaliation, and Other Prohibited Behavior to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Illinois College in notifying such authorities, if the party chooses.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by Illinois College law enforcement and/or other Illinois College officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- A Illinois College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from Illinois College staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance

- Visa/immigration assistance
 - Arranging to dissolve a housing contract and provide a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
- Have Illinois College maintain supportive measures for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair Illinois College's ability to provide the supportive measures.
 - Receive sufficiently advanced written notice of any Illinois College meetings or interviews involving another party, when possible.
 - Identify and have the Investigator(s)/Decision-maker question relevant available witnesses, including expert witnesses.
 - Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
 - Have Complainant's inadmissible sexual interests/prior sexual history excluded.
 - Access the relevant evidence obtained and respond to that evidence.
 - A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
 - Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
 - The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least seven (7) business days to review the report prior to the determination.
 - Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
 - Regular status updates on the investigation and/or Resolution Process.
 - Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
 - Preservation of confidentiality/privacy, to the extent possible and permitted by law.
 - Petition that any Illinois College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
 - Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
 - Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.

- Have an impact and/or mitigation statement considered following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a Illinois College decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with Illinois College's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

APPENDIX C: PRIVACY, PRIVILEGE, AND CONFIDENTIALITY

For the purpose of this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

- **Privacy.** Means that information related to a complaint will be shared with a limited number of Illinois College employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in Illinois College’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality.** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by Illinois College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the office can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.
- **Privilege.** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. Illinois College treats employees who have the ability to have privileged communications as Confidential Employees.

Illinois College reserves the right to determine which College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties’ Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties’ rights and privacy, and release is governed by the institution’s unauthorized disclosure policy.

Illinois College may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

APPENDIX D: PREGNANT AND PARENTING STUDENT POLICY

Purpose and Scope

Under Title IX of the Education Amendments of 1972, § 106.40, it is illegal for schools to exclude students, on the basis of such student's past, potential, or current pregnancy, childbirth, false pregnancy, termination of pregnancy (abortion, miscarriage, or stillbirth), lactation, recover, and all related medical conditions from participating in any part of an educational program. Therefore, Illinois College, its faculty, staff, and pregnant students will follow the protocols and procedures set forth in the policy below.

Gender Equity

Illinois College will not tolerate discrimination, harassment, misconduct, or retaliation of any form, including towards pregnant and/or parenting students. Such behavior is in violation of Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation. Please refer to our website at www.ic.edu/sexualmisconduct to view the full policy and/or contact the Title IX Coordinator if concerns arise.

Reporting Requirements

Faculty and staff are not required to report a student's pregnancy to the Title IX Coordinator. Instead, faculty and staff must provide the contact information of the Title IX Coordinator to any student who has disclosed their pregnancy and/or who is seeking modifications due to pregnancy or parenting. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

Title IX Coordinator

Angela Valuck
Parker 110
angela.valuck@ic.edu
217.245.3660

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the Illinois College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

Reasonable Modifications

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the Illinois College's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Access to online or homebound education
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the College will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the Illinois College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with the Coordinator of Disability Resources to ensure the student receives reasonable accommodations for their disability as required by law.

Title IX requires Illinois College to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, with medical approval. Illinois College may offer the student alternatives to making up missed work such as retaking a semester, taking a leave of absence, or allowing the student additional time in a program to continue at the same pace, provided the student will be able to graduate in the amount of time directed by the programmatic accreditors. The Dean of Faculty will meet with the student to discuss options available to the student based on the students' current status and program requirements. The Chair of the Nursing Department and the Chair of the Education Department will be involved in outlining options for students on clinical rotation or student teaching, respectively, at the time of their leave. While Illinois College staff will outline options for the student, the student shall decide what option best fits their needs.

Faculty who have their own policies about class attendance and make-up work must make sure their policies do not conflict with Title IX rights. Illinois College must ensure that the policies and practices of individual instructors do not discriminate against pregnant and parenting students. For example, a faculty member may not refuse to allow a student to submit work after a deadline or make up an exam that was missed because of absences due to pregnancy or childbirth. Additionally, if an instructor's grading is based in part on class attendance or participation, the student should be allowed to earn the credits missed so that the student can be reinstated to the status they had before the leave. Faculty and staff must be aware of and follow Title IX requirements for pregnant and parenting students through completion of annual training and are encouraged to work with the Title IX Coordinator to discuss any concerns. The Title IX Coordinator will collaborate with the Chair of the Nursing Department or the Chair of the Education Department when students seeking modifications are entering or currently participating in clinical rotations or student teaching, respectively.

Certificate to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

1. The certified level of physical ability or health is necessary for participation;
2. The institution requires such certification of all students participating; and
3. The information obtained is not used as a basis for pregnancy-related discrimination.

Lactation Space Access

The Illinois College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Lactation spaces are located in the following locations:

- Tanner Hall - Basement, East end of hallway
- Lincoln Hall - HUB, Room 1096

Access the EMS reservation system through the College's SSO to reserve a lactation space.

Leaves of Absence

1. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. While registered under that status, students who choose to take a leave of absence under this policy can elect to continue residing in Illinois College housing, subject to the payment of applicable fees.

To the extent possible, Illinois College will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarship, fellowship, or similar Illinois College-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar Illinois College-supported funding by exercising their rights under this policy.

The Office of Student Financial Services can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Coordinator will assist the student in completing any necessary paperwork.

0. Employees

Information on employment leave can be found under the Parental Leave and FMLA policies outlined in the employee handbook on Connect2.

If an employee is not eligible for leave under the aforementioned leave policies because they either (1) do not have enough leave time available under either policy, or (2) have not been employed long enough to qualify for leave under either policy, they are eligible to qualify for

pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time. Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

Revision of Policy

This Policy supersedes any previous policies addressing pregnant and parenting students. The Title IX Coordinator reviews and updates these policies and procedures regularly. Illinois College reserves the right to make changes to this document as necessary and required by law. Once those changes are posted online, they are in effect. All changes made within the last six (6) months are in blue text).

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Policy last revised August 1, 2024

APPENDIX E: POLICY FOR GENDER IDENTITY AND ACCESS

Purpose and Scope

The purpose of this policy is to assist Illinois College employees regarding issues relating to transgender and gender nonconforming students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the College's educational programs and activities.

This policy sets out guidelines for College staff to address the needs of transgender and gender nonconforming students and explains how Title IX regulations and non-discrimination laws should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This policy does not anticipate every situation that might occur with respect to transgender and gender nonconforming students, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of all students, including transgender and gender nonconforming students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

Definitions

These definitions are not meant to label any student, but are intended as functional descriptors. Students may or may not use some of these terms to describe themselves:

Gender: The complex relationship between physical traits and one's internal sense of self as male, female, both, or neither (gender identity), as well as one's outward presentation and behaviors (gender expression).

Gender Expression: A person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender Fluid: Persons who do not identify as, or who do not express themselves as, solely male or female.

Gender Identity: A person's internal sense of gender, which may or may not be the same as one's sex assigned at birth. All people have a gender identity, not just transgender people.

Gender Nonconforming: A person who displays gender traits that are not consistent with stereotypical characteristics associated with one's biological sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

LGBTQ: A common acronym that stands for "lesbian, gay, bisexual, transgender, and questioning."

Sex: The biological condition or quality of being a female or male human being.

Sexual Orientation: A person's romantic or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual.

Sexualized Bullying: Unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics. Anti-gay and sexist epithets are common forms of sexualized bullying.

Transgender: A person whose gender identity does not correspond to that person's biological sex assigned at birth. Transgender is not a sexual orientation; transgender people may have any sexual orientation.

Cisgender: A term for people whose gender identity aligns with the sex they were assigned at birth.

Transition: The process through which people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.

Determining a Student's Gender Identity

The responsibility for determining a student's gender identity rests with the student.

The College shall accept a student's asserted gender identity. The College may not question or disregard the student's assertion of their gender identity.

There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have their gender identity recognized and respected by the College, nor can a student be required to provide any medical documentation. Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have the student's requested name and gender identity recognized and respected by the College.

Privacy

All persons have a right to privacy. This includes the right to control dissemination of highly personal and private information such as one's gender identity.

College employees shall not disclose a student's gender identity to others, including but not limited to, other students, parents, and/or other school employees, unless they are legally required to, the student has authorized such disclosure, or there is a specific and compelling "need to know" reason in order to protect the student's interests. In those rare circumstances

where disclosure is deemed to be absolutely necessary, before making any disclosure, College officials shall inform the student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

College employees may encounter situations where a transgender or gender nonconforming student has not disclosed their gender identity to their parents. Whenever possible, school personnel shall speak with the student to confirm the manner in which the student will be referred to in conversation with the parent/guardian, if a FERPA release is on file granting permission for College employees to speak with the parent/guardian. Generally, when contacting the parent/guardian of a transgender or gender nonconforming student, College employees should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student has specified otherwise.

All students, including transgender and gender nonconforming students, have the right to openly discuss and express their gender identity and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the College use a student's self-disclosure as grounds for sharing information about the student's gender identity without the student's permission.

Names/Pronouns

Upon the request of a student, the student shall be addressed by the name and pronoun that corresponds to the student's gender identity asserted at College, without obtaining a court order, changing the official records or obtaining parent/legal guardian permission. The requested, or preferred, name shall be included in the College's electronic database in addition to the student's legal name, in order to inform employees of the name and pronoun to use when addressing the student.

Every effort shall be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes in the use of names or pronouns may occur, employees or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this policy.

School Records

The College is required to maintain official records which includes the legal name of the student, as well as the student's gender. The official records may include but are not limited to: transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans, standardized testing and the cumulative file. The College shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to Illinois legal requirements.

The College shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to: identification badges, classroom

rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks, and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).

Transgender or gender nonconforming students who transition after having graduated may ask the College to amend a transcript that includes the student's birth name and gender. Upon receipt of documentation that the student's legal name and/or gender have been changed pursuant to Illinois legal requirements, the College will reissue a transcript that reflects the student's current name and gender.

Restroom Accessibility

The College will maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity. Where available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such a restroom.

Locker Room Accessibility

The College will maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity. If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they will be provided access to a reasonable alternative changing area such as:

1. Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door or a designated changing area within the locker room)
2. A separate changing schedule (either utilizing the locker room before or after other students)
3. Use of a nearby private area (i.e., a nearby restroom or an office with a door)

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. The College will also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

Dress Codes

All students have the right to dress in accordance with their gender identity and gender expression. Any course-related dress codes shall be gender-neutral, and shall not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear.

School Activities and Programs

Students have the right to equitable access to activities and programs at the College. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or

activity. These activities and programs may include but are not limited to: homecoming, spirit day, celebrations, assemblies, acknowledgments, clubs, and all extra-curricular activities.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in College activities or programs (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity as expressed by the student and asserted at College. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, employees shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Harassment and Bullying

Complaints alleging discrimination, harassment, or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other complaints submitted to the Title IX Coordinator under the Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation. Consistent with the policy and procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity shall be given immediate attention, fully and appropriately investigated in a timely manner, and resolved through appropriate corrective action.

Reporting Requirements

Any member of the Illinois College community may report a violation of this policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters as defined in the Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation are responsible for promptly forwarding such reports to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a Report with, or give verbal Notice directly to, the Title IX Coordinator. Such a Report may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator listed in this Policy.

Title IX Coordinator:

Angela Valuck

angela.valuck@ic.edu

217.245.3660

0. Submit online Notice at this [link](#) for sex discrimination and sex-based harassment allegations.

Revision of Policy

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Policy last revised August 1, 2024.

APPENDIX F: POLICY FOR EQUITY IN ATHLETICS COMPLIANCE

Purpose and Scope

Title IX of the 1972 Education Act states: *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."*

Educational programs or activities include Intercollegiate Athletics, and Title IX gives colleges and schools options for demonstrating that they provide equitable opportunities to both sexes. Illinois College demonstrates equitable opportunities through intercollegiate level participation through the provision of benefits, opportunities, and treatment of male and female programs overall.

Policy Statement

Title IX within athletics is focused on three criteria: 1) equitable participation opportunities; 2) equitable scholarship opportunities; and 3) equitable benefits, which includes equipment, supplies, facilities, scheduling, and more. According to the NCAA Office of Inclusion, *"Title IX does not require identical athletics programs for males and females. Rather, Title IX requires that the athletics programs meet the interests and abilities of each gender. Under Title IX, one team is not compared to the same team in each sport. OCR examines the total program afforded to male student-athletes and the total program afforded to female student-athletes and whether each program meets the standards of equal treatment. Title IX does not require that each team receive exactly the same services and supplies. Rather, Title IX requires that the men and women's program receive the same level of service, facilities, supplies, and etc. Variations within the men and women's program are allowed, as long as the variations are justified."*

On an annual basis the Title IX Athletics Advisory Committee will complete a comprehensive gender equity review of the provision of benefits, opportunities, and treatment of male and female programs overall using data from a variety of reports, including but not limited to, budget, scheduling, marketing, and salary data, in addition to responses from student-athlete evaluations and an annual student interest survey. If any area reviewed demonstrates inequitable treatment between men's and women's teams overall, the Advisory Committee will make any necessary revisions to Athletic Department policies to immediately address the issue.

Complaint Resolution Process

The College encourages employees and students to address concerns related to gender equity in Athletics. Any employee or student who seeks resolution or clarification of their concerns may use the procedure described below to provide a quick, effective, and consistently applied method for internal resolution.

Step 1: Contact Director of Athletics

Employees or students (Complainant) should bring their concerns or complaints, in writing, to the Director of Athletics. The Director of Athletics should then schedule an appointment with

the Complainant to discuss the complaint within five (5) business days of receiving the complaint.

The Director of Athletics will then respond in writing to the complaint, normally within five (5) business days of the meeting held with the Complainant. A copy of the complaint and the Director of Athletics's written response should be forwarded to the Title IX Coordinator for retention.

Step 2: Appeal to Title IX Athletic Advisory Committee (excluding Director of Athletics)

If the procedures of Step 1 do not result in a satisfactory resolution of the complaint, then the Complainant may submit a written complaint to the members of the Title IX Athletic Advisory Committee (Abby Vorreyer, Steve Schweer, Angela Valuck, and Denny Schumacher), excluding the Director of Athletics since they were involved in Step 1.

The Complainant should submit a written complaint within five (5) business days of receiving a response from the Director of Athletics or, if no response is received, then within five (5) business days of the date on which a written response was due. The complaint should include:

1. The problem or incident giving rise to the complaint and the date(s) it occurred;
2. Suggestions on ways to resolve the complaint; and
3. A copy of the Director of Athletics's written response (or a summary of their verbal response if no written response was provided) and the date when the Complainant met with the Director of Athletics. If the Director of Athletics provided no response, the complaint should indicate this as well.

Upon receipt of the above-described complaint, the Title IX Athletic Advisory Committee must schedule a separate meeting with the Complainant. This meeting should be held within five (5) business days of receiving the complaint. Within five (5) business days of completing the meetings and review of relevant information, the Title IX Athletic Advisory Committee will issue a written decision to the Complainant.

The Title IX Athletic Advisory Committee should forward a copy of the complaint and a copy of their written response to the Title IX Coordinator for retention.

If the Complainant is not comfortable discussing the complaint with the Title IX Athletic Advisory Committee, then the Complainant should proceed with Step 3 and provide a written complaint directly to the Provost and Dean of the College. If this is the case, then any appeal of the decision reached by the Provost and Dean of the College should follow the procedures of Step 3 but be directed to the Office of the President.

Step 3: Appeal of the Decision

If the Complainant is dissatisfied with the decision of the Title IX Athletic Advisory Committee, the Complainant may, within five (5) business days of receiving the Title IX Athletic Advisory Committee's decision, appeal this decision in writing to the Provost and Dean of the College.

The Provost and Dean of the College will call a meeting with the Complainant directly and/or gather further information from involved parties to address the complaint. Meetings and review of information will normally be conducted within five (5) business days of receipt of the written appeal. Upon completion of the review, the Provost and Dean of the College will issue a written response to the Complainant. The appeal decision will be considered final.

The timeline outlined in this procedure will normally be followed. Due to potential absences and/or scheduling conflicts, the five (5) day timeframe at each level may be reasonably extended.

Retaliation

Protected activity under this Policy includes making a complaint under this Policy, participating in the complaint resolution process, supporting any individual involved in the process, providing information relevant to the complaint, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

The College is prepared to take appropriate steps to protect individuals who fear that they may be subject to retaliation. It's prohibited for the College or any member of the College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individuals for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any resolution process under this Policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

Policy last revised January 5, 2024