

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE ILLINOIS COLLEGE POLICY ON SEX DISCRIMINATION, SEX-BASED HARASSMENT AND RETALIATION

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**RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEX DISCRIMINATION,
SEX-BASED HARASSMENT AND RETALIATION
(Hereinafter the “Resolution Process”)**

1. Overview

Illinois College will act on any Notice, Complaint, or Knowledge of a potential violation of the Illinois College Policy on Title IX Sex Discrimination, Sex-Based Harassment and Retaliation (“the Policy”) that is received by the Title IX Coordinator or any other Mandated Reporter by applying the Resolution Process below.

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristic, harassment, or retaliation, as involving students, staff, Title IX Coordinators, faculty members, or third parties. The Policy is available at www.ic.edu/sexualmisconduct.

2. Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine Illinois College’s next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

3. Initial Evaluation

The Title IX Coordinator conducts an initial evaluation typically within five (5) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- Determining whether Illinois College has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within Illinois College’s jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate Illinois College office for resolution.
- Offering and coordinating supportive measures for the Complainant.

- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the resolution processes, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
- Determining whether the Complainant wishes to make a Complaint.
- Notifying the Respondent of the resolution processes, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

Helping a Complainant to Understand Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include:

- Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:
 - a supportive and remedial response, and/or
 - Informal Resolution, or
 - the Resolution Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that Illinois College has jurisdiction, they will route the matter to the appropriate Resolution Process, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter, accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to

someone's safety or if Illinois College cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of discrimination would occur if a Complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an Illinois College employee;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision Maker in determining whether discrimination occurred;
- Whether Illinois College could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate Illinois College employees, to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

4. Dismissal

Illinois College **may** dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- 1) Illinois College is unable to identify the Respondent after taking reasonable steps to do so
- 2) Illinois College no longer enrolls or employs the Respondent
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint
- 4) Illinois College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven

A Decision Maker can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, Illinois College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, Illinois College will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party. The process and permissible grounds for an appeal are discussed in Section 21.

5. Emergency Removal/Interim Suspension of a Student

Illinois College may emergency remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Complaint/Knowledge, or at any time during the resolution process. Prior to an emergency removal, the Safe IC team will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations justifies such action.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within three (3) business days of the notification. The written challenge should state the reasons why the Respondent believes the removal or administrative leave should be overturned. An Appeal Decision Maker, assigned by the Title IX Coordinator, will review the challenge to determine whether the decision was supported.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Appeal Decision Maker will communicate the final decision in writing, typically within five (5) business days of the receipt of the written challenge.

6. Placing an Employee on Leave

When the Respondent is an employee, or a student worker accused of misconduct in the course of their employment, the Title IX Coordinator will work with the Director of Human Resources to follow employment policies related to administrative leave.

7. Advisors in the Resolution Process

A. Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings and interviews within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses.

Illinois College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

B. Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

C. Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records Illinois College shares with them, [Section 14](#) of the Policy addressing Confidentiality/Privacy. Illinois College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Illinois College's confidentiality expectations.

D. Advisor Expectations

Illinois College generally expects an Advisor to adjust their schedule to allow them to attend Illinois College meetings and/or interviews when planned, but Illinois College may change scheduled meetings and/or interviews to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Illinois College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting and/or interview by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same Illinois College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by Illinois College. Advisors are expected to advise their advisees without disrupting proceedings.

E. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Illinois College's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting and/or interview may be ended, or other appropriate measures implemented, including Illinois College requiring the party to use a different Advisor or providing a different Illinois College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

8. Resolution Option Overview

This Resolution Process, consisting of Informal Resolution or Administrative Resolution is Illinois College's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, and retaliation. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with Illinois College Policy.

A. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties. Illinois College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding.

Before initiation of an Informal Resolution process, Illinois College will provide the Parties with a written notice that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and to initiate or resume Illinois College's Resolution Process;

- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information Illinois College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

Illinois College offers four categories of Informal Resolution:

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- 2) **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and College expectations or can accompany the Complainant in their desire to confront the conduct.
- 3) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Illinois College are agreeable to the resolution terms.
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, counseling or other restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution cannot be the Investigator or Decision Maker.

It is not necessary to pursue Informal Resolution first in order to pursue an Administrative Resolution Process. Any Party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Administrative Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Administrative Resolution Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

B. Administrative Resolution Process (see Sections 10-21 below)

9. Resolution Process Pool

The Resolution Process relies on a pool of trained campus employees (“the Pool”) to carry out the process.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Decision Maker

B. Pool Member Appointment

The Title IX Coordinator, in consultation with campus administration as necessary, appoints the Pool, which acts with independence and impartiality.

10. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date, time and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures, including the Resolution Process and the Policy

- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- A statement that Illinois College presumes the Respondent is not responsible for the reported misconduct unless and until a determination is made at the conclusion of the grievance procedures
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that Illinois College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations during the Resolution Process
- A link to Illinois College's VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: emailed to the Parties' Illinois College-issued email, in person, or mailed to the local or permanent address(es) of the Parties as indicated in official Illinois College record. Once emailed, mailed, and/or received in person, the notification will be presumptively delivered.

11. Resolution Timeline

1. Illinois College will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, which can be extended as necessary for appropriate cause by the Title IX Coordinator. Illinois College estimates that the major stages of the grievance process will be completed as follows:
 - Complaint evaluations will be completed within ten (10) business days of the date in which Illinois College received the report of alleged conduct;
 - Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which Illinois College receives the written request for such appeal.
 - Investigations will be completed within sixty (60) business days of the date in which Illinois College received the report of alleged conduct;
 - Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the Decision Maker;
 - Appeals of the determination will be completed within fourteen (14) business

days after receipt of the written request for an Appeal Officer.

- Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which Illinois College will determine on a case-by-case basis. Illinois College will send the parties written notice of any causes or reasons for the delay.

12. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision Maker(s), may neither have nor demonstrate a conflict of interest or bias for Complainants or Respondents generally, or for a specific Complainant or Respondent.

At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Provost O'Connell at 217.245.3010 or catharine.oconnell@ic.edu.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

13. Participation of Parties and Witnesses in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in Illinois College's investigation and Resolution Process. Student witnesses and witnesses from outside the Illinois College community cannot be required to participate but are encouraged to cooperate with Illinois College investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. Illinois College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigators, though not preferred.

14. Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process (other than Informal Resolution meetings). All interviews are recorded. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties. No unauthorized audio or video recording of any kind aside from the Investigator recording is permitted during investigation meetings.

15. Evidentiary Considerations

The Investigators and the Decision Makers will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Impermissible evidence also refers to:

- a. Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and

16. Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision Makers are authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would also waive all rights to appeal for the Respondent. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

17. Investigation

Illinois College will respond promptly and effectively to reports or complaints of Prohibited Conduct. Illinois College will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct under the Policy, pursuant to the Resolution Process. The Title IX Coordinator will designate two Investigators from the Resolution Process Pool to conduct an investigation. Investigations involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

Illinois College will treat the parties equitably throughout the Resolution Process. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications within the time period designated for verification.

Illinois College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigators typically take the following steps, if not already completed and not necessarily in this order:

- Ensure that the burden is not on the Parties to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred
- Provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible
- Commence a thorough, reliable, and impartial investigation.
- When participation of a Party is expected, provide that Party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each Party of any meeting or interview involving another Party, in advance when possible.
- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.

- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another Party and/or witnesses. Document in the investigation report which questions were asked, with a rationale for any changes or omissions.
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions
- Ask the Parties to provide a list of questions they would like asked of the other Party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

18. Written Determination

Illinois College will use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred following an investigation and evaluation of all relevant and not otherwise impermissible evidence. This determination will be made by two Decision Makers, assigned by the Title IX Coordinator, upon review of the final investigation report and all evidence and information gathered during the Investigator-led questioning meetings. The Decision Makers may consult with the appropriate College department regarding any sanctions or other disciplinary actions.

Illinois College will simultaneously notify the parties in writing of:

- a. A description of the alleged misconduct;
- b. The determination of whether the preponderance of the evidence establishes a violation of the Policy, including an evaluation of the relevant and not otherwise impermissible evidence, the findings of fact, and rationale for the determination as applicable;
- c. Any applicable sanctions, other disciplinary actions, and/or remedies,
- d. The rationale supporting any applicable sanctions, disciplinary actions and/or remedies, and
- e. The procedures and permissible bases for appeal available to both parties.

The determination regarding responsibility becomes final either on the date that Illinois College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Impact Statements. Prior to a determination, the Decision Makers will also provide the Parties an opportunity to submit a written impact and/or mitigation statement.

19. Sanctions

Factors considered by the Decision Makers when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Decision Makers

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

A. Student Sanctions¹

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Reprimand:* A formal statement that the conduct was unacceptable and a warning that further violation of any Illinois College Policy, procedure, or directive will result in more severe sanctions/responsive actions.

¹ Illinois College policies on transcript notation apply to these proceedings.

- *Required Counseling*: A mandate to meet with and engage in either Illinois College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
- *Probation*: An official sanction for violation of College Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any College Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation from the College, or one or more of its facilities, for a definite period of time, typically not to exceed two years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the College determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate College property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During a College-wide suspension, the student is banned from College property, functions, events, and activities unless they receive prior written approval from an appropriate College official. This sanction may be enforced with a trespass action, as necessary.
- *Expulsion*: Permanent separation from the College. The student is banned from College property, and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- *Withholding Diploma*: Illinois College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree*: While very rarely employed, Illinois College reserves the right to revoke a degree previously awarded from Illinois College for fraud, misrepresentation, and/or other violation of Illinois College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above sanctions, Illinois College may assign any other sanctions as deemed appropriate.

B. Student Group and Organization Sanctions²

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Illinois College Policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: An official sanction for violation of College Policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any College Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of Illinois College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or College support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in Illinois College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Illinois College.
- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific Illinois College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Illinois College may assign any other sanctions as deemed appropriate.

C. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*

² Subject to Illinois College's Organizational Code of Conduct. Organizational sanctions are included here despite the fact that organizations cannot be charged as Respondents under Title IX. However, nothing would prevent Illinois College from holding a student organization accountable for Policy violations using the Resolution Processes herein, as long as it was clearly noted that Title IX was not applicable. Often, individuals will be charged for their role in organizational misconduct under Title IX, and the organization would be charged as collateral misconduct to the individual charges, resolved in the same process as those charges.

- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, Illinois College may assign any other responsive actions as deemed appropriate.

20. Withdrawal or Resignation Before Complaint Resolution

A. Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from Illinois College, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Illinois College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, Illinois College may continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to Illinois College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation of Policy, that student is not permitted to return to Illinois College unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent resigns from Illinois College with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Illinois College may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to Illinois College in any capacity. Human Resources, the Registrar, and Admissions will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with Illinois College. The records retained by the Title IX Coordinator will reflect that status.

21. Appeal of the Determination

The Title IX Coordinator will designate a single Appeal Decision Maker chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision Maker will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure or dismissal appeal that may have been heard earlier in the process.

A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made
- 3) The Title IX Coordinator, Investigator(s), or other individuals involved in the investigation and determination had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome
- 4) The sanction is disproportionate with the violations

B. Request for Appeal

Any Party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Dismissal/Outcome.

The Request for Appeal will be forwarded to the Appeal Decision Maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision Maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Panel Chair will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s).

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision Maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision Maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the Party who initially requested an appeal, the Title IX Coordinator, and the Investigators, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision Maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and will promptly render a decision.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds.

The Appeal Decision Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

C. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) or the Title IX Coordinator (as in cases of bias), the Appeal Decision Maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision Maker roles.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which Illinois College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent Illinois College is permitted to share under federal or state law.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the available appeal grounds.

D. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

22. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or Illinois College community that

are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

23. Recordkeeping

For a period of at least seven (7) years or the extent they are required by law following the conclusion of the Resolution Process, Illinois College will maintain records of:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions Illinois College took to meet its obligations under this Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this Policy.
- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.

24. Accommodations and Support During the Resolution Process

Disability Accommodations

Illinois College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Illinois College's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with disability support colleagues as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

Illinois College will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

25. Revision of these Procedures

These procedures supersede any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. Illinois College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing 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 governing laws or 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.

These procedures are effective August 1, 2024.