

## **PROCEDURES IMPLEMENTING THE COLLEGE'S POLICY PROHIBITING SEX-BASED MISCONDUCT**

### **I. Purpose**

The College is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity. The purpose of these Procedures is to implement the College's Policy Prohibiting Sex-Based Misconduct and Policy 8.26 Harassment/Discrimination – Students and Policy 3.02 Harassment/Discrimination - Employees, ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with: Title IX of the *Education Amendments of 1972* ("Title IX"), which prohibits discrimination on the basis of sex in the College's education programs or activities; relevant sections of the *Violence Against Women Reauthorization Act* ("VAWA"); Title VII of the *Civil Rights Act of 1964* ("Title VII"), which prohibits discrimination on the basis of sex in employment; relevant sections of the *Illinois Human Rights Act*, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity; the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act"), which requires timely warning to the community of certain immediate threats; the *Preventing Sexual Violence in Higher Education Act*; and other applicable law and local ordinances.

The College has an affirmative duty to take immediate and appropriate action once it knows or its management should know of an act of sex-based discrimination, sexual harassment or other sex-based misconduct in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual discrimination, harassment and/or misconduct in accordance with the procedures set forth below.

### **II. Jurisdiction**

The College's Policy Prohibiting Sex-Based Misconduct and these implementing Procedures apply to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

- A.** On College property; or
- B.** Off College property if:
  - 1. The conduct was in connection with a College or College-recognized program or activity; or
  - 2. The conduct may have the effect of creating a hostile environment for a member of the College community.

### **III. Scope**

These Procedures govern sex-based misconduct in various forms, many of which may trigger legal obligations under one or more state and federal laws. In no case does the inapplicability of a particular legal framework require the College not to address an act of misconduct falling within the scope of these Procedures.

Sections I-VII and IX-X include provisions relevant to sex-based misconduct in all its forms.

Sections VI.A and VI.B address specific reporting procedures for students and employees, respectively. Section VIII, which describes a grievance process with a required live hearing, applies only to formal Title IX complaints and complaints alleging sexual violence, domestic violence, dating violence or stalking.

Appendix A provides definitions for these Procedures.

#### **IV. Administration**

##### **A. Title IX Coordinator**

The College has designated the Vice President for Student Service as the Title IX Coordinator and the Dean of Students and the Associate Vice President/Chief Human Resource Officer as the Title IX Deputy Coordinator(s).

Contact information for the Title IX Coordinator(s) is as follows:

Michael R. Trame  
Vice President for Student Services  
Parkland College  
Room U334  
2400 W. Bradley Avenue  
Telephone: (217) 351-2551  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

Contact information for the Title IX Deputy Coordinator(s) is as follows:

Marietta Turner  
Dean of Students  
Parkland College  
Room U243]  
2400 W. Bradley Avenue  
Telephone: (217) 351-2505  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

Kathleen McAndrew  
Associate Vice President  
Chief Human Resource Officer  
Parkland College  
Room A116  
2400 W. Bradley Avenue  
Telephone: (217) 353-2024  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

Responsibilities of the Title IX Coordinator(s) include, but are not limited to:

- Overseeing the College's response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Conducting and/or assigning Title IX investigations, including the investigation of facts relative to a complaint. The Title IX Coordinator must not be the decision-maker for a determination of responsibility in response to a formal Title IX complaint of sexual harassment.
- Coordinating any appropriate supportive measures and ensuring the effective implementation of any remedies.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX issues.
- Monitoring students' participation in athletics and across academic fields to ensure that sex discrimination is not causing any disproportionate enrollment based on sex or otherwise negatively affecting a student's access to equal educational opportunities.
- Developing a method to survey the school climate and coordinating the collection and analysis of information from that survey.
- Promoting an educational and employment environment which is free of sex discrimination and gender bias.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator(s) or to the Assistant Secretary for Civil Rights at the United States Department of Education:

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Telephone: (312) 730-1560  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

**B. Human Resources Department**

For any complaints that involve a College employee as the respondent and fall outside the scope of Title IX, the Human Resources Department will manage the investigation into the allegations and issue a decision and any appropriate sanction(s).

For complaints of sex-based misconduct that involve a College employee as the respondent, investigatory and disciplinary procedures required by any applicable collective bargaining agreement will apply in addition to these Procedures.

**V. Options for Assistance Following an Incident of Sex-Based Discrimination, Harassment or Misconduct**

**A. On- and Off-Campus Counselors and Advocates**

The following on- and off-campus counselors and advocates can provide an immediate confidential\* response in a crisis situation, as well as ongoing assistance and support:

Parkland College Counseling Services  
Room U267  
217-351-2219  
Hours: When College is open, 8 AM-5PM  
Mental Health Counselors:  
Marya Burke\*  
Angela Jancola\*  
Joe Omo-Osagie\*  
Katie Schacht\*  
Donna Tanner-Harold\*

**24-Hour Crisis Lines**

[Courage Connection Domestic Violence for Women and Children](#): (217)384-4390  
[Mental health/suicide \(Rosecrance/Community Elements\)](#): (217)693-4580  
[Sexual assault \(Rape Advocacy, Counseling, & Education Services\)](#): (217)344-6298  
[RAINN \(Rape, Abuse, and Incest National Network\) hotline](#): 1-800-656-4673  
[Illinois Coalition Against Sexual Assault \(ICASA\)](#): (217)753-4117  
[Illinois Coalition Against Domestic Violence](#): 877-863-6338

\*Indicates Confidential Advisors, as defined in Appendix A.

Note: While the above-listed counselors and advocates may maintain a reporting person's confidentiality vis-à-vis the College, they may have reporting or other obligations under State law.

**B. Emergency Response**

Anyone who experiences or observes an emergency situation should immediately call 911 and/or one of the phone numbers listed below:

Parkland College Department of Public Safety  
Room A160  
2400 W. Bradley Avenue  
(217)351-2369  
[PublicSafety@parkland.edu](mailto:PublicSafety@parkland.edu)

Champaign Police Department  
82 E. University Avenue  
Champaign, IL 61820  
(217)351-4545  
[Police@champaignil.gov](mailto:Police@champaignil.gov)

Champaign County Sheriff  
204 E. Main Street  
Urbana, IL 61801  
(217)384-1204  
[sheriff@co.champaign.il.us](mailto:sheriff@co.champaign.il.us)

University of Illinois Police Department  
1110 W. Springfield Ave.  
Urbana, IL 61801  
(217)333-1216  
[police@illinois.edu](mailto:police@illinois.edu)

Urbana Police Department  
400 S. Vine Street  
Urbana, IL 61801  
(217)384-2320

### **C. On- and Off-Campus Health Care Options**

Individuals may seek treatment for injuries, preventative treatment for sexually transmitted disease, and/or other health services by contacting one of the following health care providers:

Carle Foundation Hospital  
611 W. Park St., Urbana, IL 61801  
(217)383-3311  
Emergency Department - 24 hours/day, 365 days/year  
• Offers evidence collection (rape kit) and medical treatment\*

OSF Medical Center  
1400 W. Park St., Urbana, IL 61801  
(217)337-2131  
Emergency Department - 24 hours/day, 365 days/year  
• Offers evidence collection (rape kit) and medical treatment\*

Frances Nelson Medical Center  
819 Bloomington Rd, Champaign, IL 61820  
Phone: (217)356-1558

Champaign- Urbana Public Health  
201 W. Kenyon Rd. Champaign, IL 61820  
Phone: (217)352-7961

- Preventative treatment for sexually transmitted disease
- FREE STI Testing
- Does not require proof of citizenship

Planned Parenthood  
302 E Stoughton St., Suite #2, Champaign, IL 61820  
Phone: (217)359-8022

- Offers medical abortions up to 9 weeks

Women's Health Practice  
2125 South Neil Street, Champaign, IL 61820  
Phone: (217)356-3736

- Offers medical and surgical abortions

Avicenna Community Health Center  
819 Bloomington Rd, Champaign, IL 61820  
Phone: (217)403-5498

- FREE healthcare for the Uninsured
- Does not require proof of citizenship

\*Indicates health care options which provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost, pursuant to the *Sexual Assault Survivors Emergency Treatment Act* (410 ILCS 70).

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

Off-campus health care providers will generally maintain confidentiality and not share information with the College unless the reporting person requests the disclosure and signs a consent or waiver form. Note, however, that while these health care providers may maintain a reporting person's confidentiality vis-à-vis the College, they may have other reporting obligations under State law.

#### **D. State of Illinois Sexual Harassment and Discrimination Helpline**

The Illinois Department of Human Rights has established a helpline for individuals to obtain information about their reporting options and referrals to other resources. The helpline is available Monday through Friday, from 8:30 a.m. to 5:00 p.m., at (877) 236-7703.

#### **VI. Making a Report of Alleged Sex-Based Misconduct**

Any student, employee or community member who wishes to avail himself or herself of these Procedures may do so by making a report to the Title IX Coordinator or Deputy Title IX Coordinator(s). Students may also make a report to any Responsible Employee, as defined below. Detailed information concerning student and employee reporting follows below.

### **A. Student Reporting**

The College encourages students who have experienced sex-based misconduct to talk with someone about what happened so that they can get the support they need and so that the College can respond appropriately. Different employees on campus have different reporting obligations with regard to alleged sex-based misconduct. Some College employees (referred to as “Responsible Employees”) are required to report all incidents of sex-based misconduct to the Title IX Coordinator, including the identities of the persons involved in the incident. While only designated Responsible Employees are required to report all incidents of sex-based misconduct to the Title IX Coordinator, all members of the College community (including students) are encouraged to report such incidents to the Title IX Coordinator.

The various reporting options available are set forth in further detail below. Regardless of to whom a report is made, the College will provide the person alleged to be the victim, if identified, with concise information, written in plain language, of the person’s rights and options pursuant to these Procedures.

Immunity for Good Faith Reporting: Students who in good faith report an alleged violation of the College’s Policy Prohibiting Sex-Based Misconduct will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (such as underage drinking) revealed during the course of reporting. Immunity will not be provided for student conduct violations which the College determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

#### **1. Student Reporting to the Title IX Coordinator(s)**

Students are encouraged to report alleged incidents of sex-based misconduct to the Title IX Coordinator(s) directly. The College’s Title IX Coordinator(s) are:

Contact information for the Title IX Coordinator is as follows:

Michael R. Trame  
Vice President for Student Services  
Parkland College  
Room U334  
2400 W. Bradley Avenue  
Telephone: (217) 351-2551  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

Contact information for the Title IX Deputy Coordinator(s) is as follows:

Marietta Turner  
Dean of Students

Parkland College  
Room U243]  
2400 W. Bradley Avenue  
Telephone: (217) 351-2505  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

Kathleen McAndrew  
Associate Vice President  
Chief Human Resource Officer  
Parkland College  
Room A116  
2400 W. Bradley Avenue  
Telephone: (217) 353-2024  
Email: [Title\\_IX@parkland.edu](mailto:Title_IX@parkland.edu)

## 2. Student Reporting to Responsible Employees

A Responsible Employee, as defined in Appendix A, must report to the Title IX Coordinator all relevant details about an alleged incident of sex-based misconduct shared by a student, including the date, time and specific location of the alleged incident, and the names of all involved individuals. To the extent possible, information shared with a Responsible Employee will be disclosed only to the Title IX Coordinator and/or those individuals responsible for handling the College's response to the report.

The following categories of employees are the College's Responsible Employees:

- College Administrators
- Title IX Coordinator
- Faculty
- Campus Police
- Coaches
- All faculty/staff advisors to a Recognized Student Club/Organization
- All full-time Assistants to the President/Vice-Presidents
- All full-time Dean of Students Office staff
- All full-time Human Resources staff

Before a student reveals any information to Responsible Employee, the employee should ensure that the student understands the employee's reporting obligations. If the student wants to make a confidential report, the Responsible Employee should direct the student to the confidential resources listed in Section VI.A.3 below.

If the student wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student that the College will consider the request, but that the College cannot guarantee it will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the student's request for confidentiality.

Although rare, there are times when the College may not be able to honor a reporting party's request in order to provide a safe, non-discriminatory environment for all students and employees.

The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator
- Deputy Title IX Coordinators
- Chief of Campus Police

When weighing a reporting party's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:
  - Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
  - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
  - Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
- Whether the sexual discrimination was committed by multiple perpetrators;
- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence);  
And
- Whether the reporting party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the reporting party's request for confidentiality.

**If the College determines that it can respect a reporting party's request for confidentiality,** the College will take immediate action as necessary to protect and assist the reporting party.

**If the College determines that it cannot maintain a reporting party's confidentiality,** the College will inform the reporting party at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the College's response. The College will also take immediate action as necessary to protect and assist the reporting party.

If a party's request for confidentiality limits the College's ability to formally investigate a

particular allegation, the College may take steps to limit the effects of the alleged sexual discrimination, harassment and/or misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the College's policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

### 3. Confidential Reporting

Students who wish to confidentially report an incident of sex-based misconduct may make a confidential report to:

Parkland College Counseling Services  
Room U267  
217-351-2219  
Hours: When College is open, 8 AM-5PM  
Mental Health Counselors:  
Marya Burke  
Angela Jancola  
Joe Omo-Osagie  
Katie Schacht  
Donna Tanner-Harold

The individuals in this list are Confidential Advisors, as defined in Appendix A. Professional, licensed counselors who provide mental health counseling to students (including counselors who act in that role under the supervision of a licensed counselor) are not required to report any information about an alleged incident to the Title IX Coordinator without a student's permission.

Note: While the individuals listed above may maintain a student's confidentiality vis-à-vis the College, they may have reporting or other obligations under State law. Any College employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that a person alleged to be the perpetrator of sexual misconduct poses a serious and immediate threat to the College community, College Police may be called upon to issue a timely warning to the College community. Any such warning will not include any information that identifies the person alleged to be the victim.

#### 4. Electronic and/or Anonymous Reporting

The College maintains an online system for electronic reporting. The reporter may choose to provide his/her identity or may choose to report anonymously. The system will notify the user, before he/she enters information, that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. Anonymous reports can be filed [here](#). Where a reporter chooses to provide his/her identity and contact information, the College will respond to the reporter within 12 hours.

#### 5. Note Regarding Student Participation in Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to the College of sex-based discrimination, harassment or misconduct for purposes of triggering an obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ rights at these events.

### **B. Employee Reporting**

#### 1. Alleged Sex-Based Misconduct of a Student

In addition to the reporting requirements for Responsible Employees (see Section VI.A), all College employees who have information regarding sex-based misconduct of a student should report it to the Title IX Coordinator or any Responsible Employee.

#### 2. Alleged Sex-Based Misconduct of an Employee

An employee should notify the Title IX Coordinator or Human Resources Department if he or she believes that the College or a member of the College community has engaged in sex discrimination, sexual harassment or other sex-based misconduct in violation of the College’s Policy 3.01 Prohibition of Sex-Based Misconduct.

## **VII. College Response to Reports of Alleged Sex Discrimination, Harassment or Other Misconduct**

### **A. Processing of Report**

Upon receipt of a report, the Title IX Coordinator will analyze the report to determine the appropriate method for processing and reviewing it.

For any report alleging sexual harassment, as defined under Title IX, and/or alleging sexual violence, domestic violence, dating violence or stalking pursuant to the *Preventing Sexual Violence in Higher Education Act*, the Title IX Coordinator will promptly contact the person alleged to be the victim (hereinafter “complainant”) to:

1. Discuss the availability of supportive measures (see Section VII.B below);

2. Consider the complainant's wishes with respect to supportive measures;
3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
4. Explain to the complainant the process for filing a formal complaint.

## **B. Supportive Measures**

Supportive measures (also referred to as "interim protective measures") are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent, irrespective of whether a formal complaint has been filed.

Examples of supportive measures that the College may offer include, but are not limited to:

- Counseling, mental health support, and wellness support;
- Extensions of deadlines or other course-related adjustments;
- Leaves of absence;
- Changes to academic, living, dining, transportation and/or working schedules or situations;
- Increased security and monitoring of certain areas of campus;
- Issuance and enforcement of mutual campus no contact orders; and
- Enforcement of an order of protection or no contact order entered by a State civil or criminal court.

A report of alleged sex-based misconduct may also prompt the College to consider broader remedial action, such as increased monitoring, supervision or security at locations where the alleged incident occurred; increased education and prevention efforts, including to targeted population groups; the use of climate assessments and/or victimization surveys; and/or revisions to the College's policies and practices.

The College will maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the supportive measures.

The Title IX Coordinator(s) is/are responsible for coordinating the College's implementation of supportive measures.

## **C. Emergency Removals and/or Administrative Leave**

Prior to initiating or completing the Grievance Process in response to a formal complaint, described further in Section VIII below, or in the absence of a formal complaint, the College may remove a respondent from the College's education program or activity on an emergency basis. Where the alleged conduct, if proven, would constitute sexual harassment as defined under Title IX, the College will effectuate an emergency removal only where the College has determined, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In such cases, the College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

In addition, the College may place an employee on administrative leave during the pendency of the Grievance Process in response to a formal complaint.

#### **D. Clery Act Reporting Obligations**

Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”), 20 U.S.C. § 1092(f), the College will issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. The *Clery Act* also requires the College to maintain a public crime log and publish an Annual Security Report (“ASR”) available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault.

#### **VIII. Grievance Process for Complaints Alleging Title IX Sexual Harassment and/or Alleging Sexual Violence, Domestic Violence, Dating Violence or Stalking**

For purposes of this Grievance Process, a formal complaint is a document filed by a complainant or signed by the Title IX Coordinator, alleging (a) sexual harassment in violation of Title IX and/or (b) sexual violence, domestic violence, dating violence or stalking in violation of the *Preventing Sexual Violence in Higher Education Act*; and requesting that the College investigate the allegation. At the time of filing a formal complaint pursuant to this Grievance Process, the complainant must be participating in or attempting to participate in the College’s education programs or activities, either as a student or an employee. Should a formal complaint be filed, the Title IX Coordinator will investigate the formal complaint or appoint a qualified person to undertake the investigation on his or her behalf.

#### **A. Notice of Allegations**

Within 10 school days after signing a formal complaint or receiving a formal complaint filed by a complainant, the Title IX Coordinator will provide written notice to the parties who are known of the following:

1. This Grievance Process, including the informal resolution process, where applicable.
2. The allegations potentially constituting sexual harassment under Title IX and/or sexual violence, domestic violence, dating violence or stalking under the *Preventing Sexual Violence in Higher Education Act*, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. That the parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source.
6. The College Code of Conduct provision(s) that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, the College decides to investigate allegations that are not included in the initial written notice of allegations, the Title IX Coordinator will provide subsequent written notice of the additional allegations to all known parties.

#### **B. Informal Resolution**

At any time after receiving the initial notice of allegations (See Section VIII.A above), and prior to a determination regarding responsibility being reached, the complainant and respondent may request to participate in an informal resolution process. Informal resolution will only occur with both parties' voluntary, written consent. At any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The College does not permit informal resolution in cases involving alleged sexual harassment, sexual violence, domestic violence, dating violence or stalking by a College employee toward a student.

#### **C. Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate formal complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

#### **D. Dismissal of Formal Complaints**

If, during the course of an investigation or following an investigation into a formal complaint, the Title IX Coordinator or designated Investigator determines that the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 C.F.R. § 106.30 (Title IX) even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the formal complaint with regard to that conduct for purposes of Title IX. In cases where the College determines that Title IX is not applicable but the College still intends to apply this Grievance Process to resolve the alleged misconduct, the College will inform the parties that Title IX is inapplicable but that such

Process will nevertheless be applied. In addition, dismissal of a formal complaint for purposes of Title IX does not preclude action under other College policies and procedures.

The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, at any time during an investigation if: (1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal—either of a complaint altogether, or of a complaint for purposes of Title IX—the Title IX Coordinator or Investigator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. Dismissal of a formal complaint under this Process does not preclude action under other College policies and procedures.

#### **E. Investigation of Formal Complaint**

The Title IX Coordinator will appoint one or more trained investigators to undertake an investigation into a formal complaint. Throughout the investigation, the parties will be afforded an equal opportunity to present witnesses including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Any proceeding, meeting, or hearing held to resolve formal complaints pursuant to this Grievance Process will protect the privacy of the participating parties and witnesses.

Both parties will be afforded an opportunity to be accompanied to any meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The advisor's role is limited to providing support, guidance and/or advice, and to conducting cross-examination during the live hearing (see Section VIII.F below). A party's advisor may not speak on behalf of the party during any meeting, interview or hearing and must comply with all behavioral rules and expectations set forth in these Procedures. If a party's advisor violates these Procedures or engages in behavior that harasses, abuses or intimidates a party, witness or individual resolving a complaint, that advisor may be prohibited from further participation.

When a party's participation is invited or expected at an investigative interview or other meeting, the Investigator will provide that party with written notice of the date, time, location, participants, and purpose of said interview or meeting at least three (3) school days prior to the interview or meeting.

At the conclusion of the investigation and prior to the Investigator's completion of his/her investigative report, the Investigator will send to each party (and the party's advisor, if any) the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, in electronic format and/or in hard copy. The parties will have 10 school days to submit a written response to the evidence, which the Investigator will consider prior to completion of his/her investigative report.

After receiving and reviewing the parties' written responses, if any, the Investigator will create an investigative report that fairly summarizes the relevant evidence, and will forward a copy of his/her report to the Title IX Coordinator. Upon receipt of the Investigator's Report, the Title IX

Coordinator will schedule a hearing. At least ten (10) school days prior to the hearing, the Title IX Coordinator will:

- (1) Provide both parties with written notice of the hearing date, time, location, participants (including the name of the appointed Hearing Officer) and purpose of the hearing; and
- (2) Send to each party (and the party's advisor, if any) the investigative report [in electronic format or hard copy] for their review and written response. Any written response submitted by a party to the Title IX Coordinator will be provided to the decision-maker, for the decision-maker's review and consideration, in making a determination of responsibility.

## **F. Hearings**

A hearing will be conducted by a Hearing Officer appointed by the College. Both parties will have the opportunity to request a substitution if the participation of the appointed Hearing Officer poses a conflict of interest. A party wishing to request a substitution must contact the Title IX Coordinator within three (3) school days after the party's receipt of the notice of hearing to make such a request.

At the request of either party, the College will arrange for the live hearing to occur with the parties located in separate rooms, with technology enabling the Hearing Officer and parties to simultaneously see and hearing the party or witness answering questions. A party wishing to request that the live hearing occur with the parties located in separate rooms must contact the Title IX Coordinator to request such an arrangement at least three (3) school days in advance of the hearing. The College may conduct any live hearing virtually, with the participants in one or more separate geographical locations, and with technology enabling participants simultaneously to see and hear each other.

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and may never be conducted by a party personally.

The College will assign each party an advisor of the College's choice, free of charge, to conduct cross-examination for that party at the live hearing. Each party will be given notice of such assignment at least ten (10) days prior to the hearing. Each party may elect to bring an advisor of their own choosing instead of the assigned advisor. If a party has already secured an advisor of their own choosing, that party must notify the College of such within three days of receiving notice of the College-assigned advisor.

Only relevant questions, as determined by the Hearing Officer, may be asked of a party or witness. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except where:

1. The questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or

2. The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The College will make all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint available for the parties' inspection and review during the hearing. In addition, the College will create an audio or audiovisual recording, or transcript, of the live hearing, which the Title IX Coordinator will make available to the parties for inspection and review upon request.

### **G. Determination Regarding Responsibility**

Within ten (10) school days after the conclusion of the hearing, the Hearing Officer will make a decision regarding responsibility. The Hearing Officer will apply a preponderance of the evidence standard when determining responsibility. Within seven (7) school days of reaching his/her decision, the Hearing Officer will issue a written determination to both parties simultaneously. The written determination will include:

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30 (Title IX) and/or constituting sexual violence, domestic violence, dating violence or stalking pursuant to the *Preventing Sexual Violence in Higher Education Act*;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the College Code of Conduct or other conduct standards to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

### **H. Appeals**

Both parties will have the right to appeal any determination regarding responsibility, and any dismissal of a formal complaint or allegations therein, to the Title IX Coordinator or designee. An appeal must be based on one or more of the following grounds:

1. A procedural irregularity occurred;

2. New evidence or information exists that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter; and/or
4. The sanction is disproportionate with the violation.

A party who wishes to appeal a determination regarding responsibility or a dismissal of a formal complaint or allegations therein must submit a written appeal request to the Title IX Coordinator within seven (7) school days of the party's receipt of the written determination or written dismissal notice. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination or dismissal.

Within seven (7) school days of the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request to a designee assigned by the Title IX Coordinator and will notify the other party in writing that an appeal has been filed. Before reaching a determination regarding the appeal, the designee assigned by the Title IX Coordinator will afford both parties an equal opportunity to submit a statement in support of, or challenging, the determination or responsibility or dismissal that is the subject of the appeal. Within seven (7) school days after the designee has concluded his/her review of the appeal, the designee will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The designee's decision is final.

#### **IX. Prevention and Education for Students**

The College will review on an ongoing basis, its sexual discrimination, harassment and misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

The College, in conjunction with its Parkland College Sexual Violence Prevention task force established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its prevention and education offerings to identify ways in which to enhance its effectiveness.

#### **X. Training**

The Title IX Coordinator(s) and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment or other misconduct, or involved in the referral or provision of services to survivors receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College

policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

In addition to the above training, individuals who investigate or resolve complaints, including through informal resolutions, receive at least 8-10 hours of annual training on issues related to *Preventing Sexual Violence in Higher Education Act* offenses including sexual violence, domestic violence, dating violence, and stalking; the scope of the College's education program or activity; the Title IX and College definitions of sexual harassment; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and how to conduct the College's Grievance Process outlined in Section VIII, above. Decision-makers in particular receive training on any technology to be used at live hearings and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators in particular receive training on issues of relevance so as to enable them to create an investigative report that fairly summarizes relevant evidence.

All Confidential Advisors receive 40 hours of training on sexual violence before being designated a Confidential Advisor. Annually thereafter, Confidential Advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Confidential Advisors also receive periodic training on the College administrative process, interim protective measures and accommodations, and the College's Grievance Process pursuant to Section VIII above.

The College, in conjunction with its Parkland College Sexual Violence Prevention task force established pursuant to the *Campus Security Enhancement Act of 2008* (110 ILCS 12/10), will annually review its training offerings to identify ways in which to enhance its effectiveness.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

## APPENDIX A

### Definitions for the College's Sex-Based Misconduct Procedures

- A. **Bystander Intervention:** see Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- B. **Complainant:** an individual who is alleged to be the victim of conduct that could constitute sex-based misconduct.
- C. **Confidential Advisor:** a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence. Confidential Advisors may include persons employed by a community-based sexual assault crisis center with whom the College partners. Individuals designated as "Responsible Employees" in Section VI of these Procedures are not Confidential Advisors.
- D. **Consent:** knowing and voluntary agreement to engage in sexual activity. Coercion, force, or the threat of either invalidates consent. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person's manner of dress does not constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn 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 following: 1) the person is incapacitated due to the use or influence of alcohol or drugs; 2) the person is asleep or unconscious; 3) the person is under age; or 4) the person is incapacitated due to a mental disability.
- E. **Dating Violence:** violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.
- G. **Education Program or Activity:** a location, event, or circumstance over which the College exercised substantial control over both the respondent and the context in which the sex-based misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

- H. **Hate Crime:** an act or an attempted act that violates a criminal statute by any person that in any way constitutes an expression of hostility toward the victim because of his or her sex, race, ethnicity, religion, age, disability, national origin, sexual orientation, or gender-related identity, color, marital status, military status or unfavorable military discharge.
- I. **Hostile Environment Caused by Sexual Harassment:** a sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.
- J. **Incapacitation:** when a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or because an intellectual or other disability which prevents the person from having the capacity to give consent.
- K. **Intimidation:** to intentionally make another timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College's Policy Prohibiting Sex-Based Misconduct and these Procedures.
- L. **Preponderance of the Evidence:** when considering all the evidence in the case, the decision-maker is persuaded that the allegations are more probably true than not true.
- M. **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sex-based misconduct.
- N. **Responsible Employee:** a College employee who has the authority to redress sex-based misconduct, who has the duty to report incidents of such misconduct or other student misconduct, or whom a student could reasonably believe has this authority or duty. Section VI of these Procedures lists categories of employees who are Responsible Employees for the College.
- O. **Retaliation:** Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College's Sex-Based Misconduct Policy and these Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or supportive measures imposed in response to the allegations of sexual discrimination, harassment or misconduct.

- P. Sexual Assault:** any type of sexual contact or behavior that occurs by force or coercion, without consent of the recipient of the unwanted sexual activity, or in a familial relationship of a degree that would prohibit marriage. It includes sexual acts against a person who is unable to consent either due to age or lack of capacity or impairment. Examples include forcible sexual intercourse, forcible sodomy, forcible fondling, child molestation, incest, attempted rape, statutory rape and rape. Sexual assault can occur between members of the same or opposite sex. Sexual assault includes any forced act against one's will where sex is the weapon.
- Q. Sex-Based Misconduct:** Misconduct on the basis of sex, sexual orientation or gender-related identity. Such misconduct includes sex discrimination, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking.
- R. Sexual Exploitation:** when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or a sexually transmitted disease to another, or exposing one's genitals to another in non-consensual circumstances.
- S. Sexual Harassment:** Unwelcome sexual advances, requests for sexual acts or favors, and other verbal, non-verbal or physical conduct of a sexual nature when:
- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades;
  - Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual;
  - Such conduct has the purpose or effect of substantially interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive employment or educational environment; or
  - Such conduct denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature may include:

- Verbal: Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats, whether spoken or in emails, articles, documents, or other writings.
  - Non-Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.
  - Physical: Touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.
- T. Sexual Violence**: physical sexual acts attempted or perpetuated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.
- U. Survivor**: an individual who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled, employed, or attending an event at a higher education institution.
- V. Survivor-Centered**: See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- W. Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress.
- X. Threat**: any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.
- Y. Trauma-Informed Response**: See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).