

SEXUAL MISCONDUCT AND SEXUAL VIOLENCE POLICY¹

I. Policy Statement.

Morthland College is committed to protecting Morthland College Community Members from sexual misconduct and sexual violence, and providing survivors with comprehensive resources to remain safe and heal after an incident of sexual misconduct or sexual violence. This policy also addresses Morthland College's responsibilities pursuant to Title IX of the Education Amendments Act of 1972, Title VI of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and the Prevention of Sexual Violence in Higher Education Act.

II. Scope of Policy.

This policy applies to all students, faculty, staff, board members, administrators, directors, vendors, visitors and persons conducting business with Morthland College ("Morthland College Community Members"). This policy applies to all sexual misconduct and sexual violence that interferes with the educational or working environment of Morthland College's students, faculty, or staff, regardless of whether the conduct occurs on or off campus. Sexual violence and sexual misconduct of any kind are absolutely prohibited.

At all times, regardless of whether an incident occurs or assistance is needed on or off campus, Morthland College will arrange for interim protective measures, safe accommodations, transportation to a medical facility, contact with a survivor's advocate, and coordination with law enforcement at the request of any survivor.

III. Definitions of Terms Used in this Policy.

"Awareness programming" means institutional action designed to communicate the prevalence of sexual violence, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions. [110 ILCS 155/5]

"Bystander intervention" includes without limitation the act of challenging the social norms that support, condone, or permit sexual violence. [110 ILCS 155/5]

"Complainant" means a Morthland College Community Member who files a complaint alleging violation of this Sex Discrimination and Sexual Harassment Policy.

"Confidential advisor" means a person who is employed or contracted by Morthland College to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of the Prevention of Sexual Violence in Higher Education Act. [110 ILCS 155/5]

¹ The complaint and appeal procedures set forth in this policy are adopted from and are in most respects identical to the Southern Illinois University Edwardsville Sexual Harassment Complaint Procedures.

“Confidential reporting” means the information provided by a survivor will not be shared without the express written consent, except in aggregate, non-identifiable, unless otherwise required by law, such as information pertaining to child abuse.

“Consent” means “a freely given agreement to sexual activity,” and does not include the following:

- (1) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent;
- (2) a person's manner of dress does not constitute consent;
- (3) a person's consent to past sexual activity does not constitute consent to future sexual activity;
- (4) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another;
- (5) a person can withdraw consent at any time; and
- (6) 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:
 - (A) the person is incapacitated due to the use or influence of alcohol or drugs;
 - (B) the person is asleep or unconscious;
 - (C) the person is under age; or
 - (D) the person is incapacitated due to a mental disability.

Some forms of consensual sexual activity that do not violate this policy may constitute violation of the Code of Conduct. Morthland College believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman, and that sexual abstinence is required for the unmarried. The school believes premarital, extramarital and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, Morthland College expects all members of its community—students, faculty, administrators/managers, staff, and trustees—to abstain from what it holds to be unbiblical sexual practices.

Morthland College is committed to providing and modeling a learning, working, living, and community environment that is free of unlawful discrimination in all of its policies, practices, procedures, and programs. This commitment extends to the institution’s administration of its educational policies, admissions, employment, educational programs, and activities. In keeping with this commitment, the university does not discriminate on the basis of race, color, national origin, ancestry, sex, marital status, military and veteran status, medical condition, physical disability, mental disability, genetic characteristic or information, citizenship, gender, gender identity, gender expression, pregnancy, or age.

Morthland College also does not discriminate on the basis of sexual orientation. The college does lawfully discriminate on the basis of sexual conduct that violates its biblically based Institution’s Statement of Faith. The university believes that sexual union must be reserved for marriage, which is the covenant union between one man and one

woman. The college believes premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Therefore, the college expects members of its community to abstain from what it holds to be unbiblical sexual practices. [110 ILCS 155/10]

“Follow-up healthcare,” means “healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days of the initial visit for hospital emergency services.” [410 ILCS 70/1a]

“Forensic services,” means “the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.” [410 ILCS 70/1a]

“Hospital emergency services,” defined as “healthcare delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department.” [410 ILCS 70/1a]

“Morthland College Community Members” means all students, faculty, staff, board members, administrators, directors, vendors, visitors and persons conducting business with Morthland College.

“Primary prevention programming” means institutional action and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions. [110 ILCS 155/5]

“Respondent” means a Morthland College Community Member who has been accused by a complainant of violating this Sex Discrimination and Sexual Harrassment Policy.

“Sex discrimination” means to exclude, deny benefits to, or otherwise discriminate against any person on the basis of sex, gender, gender identity, or sexual orientation. Sexual harassment, sexual misconduct, and sexual violence are all forms of sex discrimination.

“Sexual assault survivor,” defined as “a person who presents for hospital emergency room services in relation to injuries or trauma resulting from a sexual assault,” [410 ILCS 70/1a]

“Sexual harassment” means “[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature,” and includes, but is not limited to unwanted sexual looks or gestures, staring, unwanted correspondence, unwanted sexual teasing, remarks, jokes, inappropriate pet names, whistling, kissing sounds, sexual innuendos, physical contact or requesting physical contact of any kind, or unnaturally close interaction. [29 C.F.R. 1604.11]

“Sexual misconduct” means, but is not limited to, sexual assault, stalking, dating violence, and domestic violence.

"Sexual violence" means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. [110 ILCS 155/5]

"Survivor" means a student who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled at a higher education institution. [110 ILCS 155/5]

"Survivor-centered" means a systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that (i) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; (ii) ensures an understanding of how trauma affects survivor behavior; (iii) maintains survivor safety, privacy, and, if possible, confidentiality; and (iv) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking. [110 ILCS 155/5]

"Trauma-informed response" means a response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators. [110 ILCS 155/5]

IV. Confidential Advisors.

Morthland College has designated a number of individuals to serve as confidential advisors to survivors of sexual misconduct and sexual violence. Confidential advisors are individuals familiar with this Sexual Misconduct and Sexual Violence Policy and who can provide emergency and ongoing support to survivors. All reports to confidential advisors constitute confidential reporting.

A. *Duties and Responsibilities.* Confidential advisors working with survivors shall, at a minimum, do all of the following:

- (1) Inform the survivor of the survivor's choice of possible next steps regarding the survivor's reporting options and possible outcomes, including without limitation reporting pursuant to this policy and notifying local law enforcement.
- (2) Notify the survivor of resources and services for survivors of sexual violence, including, but not limited to, student services available on campus and through community-based resources, including without limitation sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services.
- (3) Inform the survivor of the survivor's rights and Morthland College's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by Morthland College or civil court.
- (4) Provide confidential services to and have privileged, confidential communications with survivors of sexual violence in accordance with Section 8-804 of the Illinois Code of Civil Procedure.

(5) Upon the survivor's request and as appropriate, liaise with campus officials, community-based sexual assault crisis centers, or local law enforcement and, if requested, assist the survivor with contacting and reporting to campus officials, campus law enforcement, or local law enforcement.

(6) Upon the survivor's request, liaise with the necessary campus authorities to secure interim protective measures and accommodations for the survivor.

[110 ILCS 155/20]

B. *Selection.* Department chairs will recommend individuals to serve as confidential advisors. Advisors will be selected by the Sexual Misconduct/Violence Coordinator on the basis of ability to maintain objectivity and confidentiality and to attend training. Confidential advisors may not be individuals on campus who are designated as responsible employees under Title IX of the federal Education Amendments of 1972. Morthland College may partner with a community-based sexual assault crisis center to provide confidential advisors. There will be at least five confidential advisors. Confidential advisors and contact information are listed at Appendix A. [110 ILCS 155/20]

C. *Qualifications and Training.* All confidential advisors shall receive 40 hours of training on sexual violence, if they have not already completed this 40-hour training, before being designated a confidential advisor and shall attend a minimum of 6 hours of ongoing education training annually on issues related to sexual violence to remain a confidential advisor. Confidential advisors shall also receive periodic training on Morthland College administrative processes, interim protective measures and accommodations, and complaint resolution procedures.

V. Law Enforcement, Medical Treatment, and Counseling Reporting and Services.

Survivors are urged to immediately report incidents of sexual misconduct and sexual violence to law enforcement and to seek medical treatment for any injuries resulting from such incidents.

Please call 911 immediately if there is a threat to your health or safety or if you require transportation by ambulance to obtain medical treatment.

A. *Reports to law enforcement.*

1. *Contact.* The contact for reports to law enforcement is:

West Frankfort Police Department
201 East Nolen Street
West Frankfort, IL 62896
Non-emergency: (618) 937-3502
Emergency: Call 911

2. *Preservation of Evidence.* All survivors are urged to immediately obtain forensic services, which are free of charge under federal and state law. You do not have to report a crime

to obtain forensic services. Obtaining forensic services allows for the safe storage of evidence if a survivor elects to report sexual misconduct or sexual violence to law enforcement at a later date. It is imperative to obtain forensic services immediately, even if a survivor is opposed to reporting an incident of sexual misconduct or sexual violence at or near the time it occurs, because “[i]n most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab...” and “a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful...” [Rape, Abuse & Incest National Network, “What Is a Rape Kit?” available at <https://rainn.org/articles/rape-kit> (Last Accessed on June 10, 2016)]. Other reasons to consider forensic services are: (1) “It increases the likelihood of prosecution. The importance of DNA evidence in sexual assault cases cannot be overstated. Not only does DNA evidence carry weight in court, but it may prevent future sexual assaults from occurring. Even if the perpetrator is not prosecuted, their DNA may be added to the national database, making it easier to connect the perpetrator to a future crime...” and (2) Sexual assault can impact your physical health. You may have injuries and trauma related to the assaults that aren’t immediately visible. During an exam you may be able to access treatment for these injuries, receive preventative treatment for STIs, and obtain emergency contraception to prevent pregnancy.” [Rape, Abuse & Incest National Network, “What Is a Rape Kit?” available at <https://rainn.org/articles/rape-kit> (Last Accessed on June 10, 2016)].

To obtain forensic services, you may contact the following:

Franklin Hospital
201 Bailey Lane
Benton, IL 62812
(618) 439-3161

National Sexual Assault Hotline
(800) 656-HOPE(4673)

B. *Emergency Medical Treatment and Follow-Up Healthcare.* Morthland College provides free confidential counseling and follow-up healthcare to survivors. Morthland College will only disclose information obtained from survivors if required by law (such as mandatory reporting of child abuse) or if a survivor provides express written authorization for disclosure. Morthland College will report non-identifying information about the incident for purposes of complying with the Clery Act and the Illinois Prevention of Sexual Violence in Education Act.

Pursuant to the Violence Against Women Act and the Illinois Sexual Assault Emergency Treatment Act, any sexual assault survivor is entitled to the following services at no charge:

1. Hospital emergency services;
2. Forensic services;
3. Follow-up healthcare;
4. Ambulance transportation services; and
5. Medications prescribed to a sexual assault survivor.

Contacts for emergency medical treatment and follow-up healthcare, are as follows:

Hospital (Hospital Emergency Services and Forensic Services available 24 hours a day):

Franklin Hospital
201 Bailey Lane
Benton, IL 62812
(618) 439-3161

Follow-Up Healthcare (available from 9:00 a.m. to 5:00 p.m., Monday through Friday):

Morthland College Health Services
309 West St. Louis Street
West Frankfort, IL 62896
(618) 932-2200

C. *Sexual Assault Crisis Centers.* Survivors may obtain further information regarding available resources and services from community-based, state and federal sexual assault crisis centers. Contacts for such centers are as follows:

Women's Center [Illinois Coalition Against Sexual Assault (ICASA) member]:
111 Anker Drive
Marion, IL 62959
(800) 334-2094 (24 hours)
(618) 993-0803
www.thewomensctr.org

Illinois Coalition Against Sexual Assault (ICASA):
100 North 16th Street
Springfield, IL 62703
(217) 753-4117
www.icasa.org

National Sexual Assault Hotline
Rape, Abuse & Incest National Network
(800) 656-HOPE(4673)
www.rainn.org

D. *Counseling Services.* Confidential counseling services are available at no charge through:

Provider: Dr. Joyce Griffin
Address: 300 East Main, West Frankfort, IL 62896
Telephone: 618-525-2340
Fax: 6180937-2137

Women's Center
610 S. Thompson
Carbondale, IL 62901
(800) 334-2094 (24 hours)
www.thewomensctr.org

VI. Options and Procedures for Reporting Violations.

All victims and witnesses of sexual misconduct and sexual violence involving Morthland College Community Members, on or off campus, are encouraged to report any incident to Morthland College and law enforcement as soon as possible. A violation may be reported at any time after it occurs, but Morthland College may have limited options to take action against a respondent who is no longer a Morthland College Community Member. Regardless of whether the respondent is a Morthland College Community Member at the time of reporting, Morthland College will provide survivor-centered services to remedy the effects of sexual misconduct and sexual violence.

A. *How Reported.* Reports may be made by telephone, fax, mail, electronically or in person. Reports of incidents of sexual misconduct or sexual violence may be made by a survivor or witness to the following (please note whether confidential reporting is authorized):

1. Title IX Coordinator

Name: Paul Lemon
Address: 405 West Main, West Frankfort
Telephone: 618-937-2127 x130
Fax: 618-937-2137
Email: plemon@morthland.edu
Confidential Reporting Authorized: No

2. Sexual Misconduct/Violence Coordinator

Name: Dr. Joyce Griffin
Address: 300 East Main, West Frankfort
Telephone: 618-525-2340
Fax: 618-937-2137
Email:
Confidential Reporting Authorized: No

3. Confidential Advisors

See Appendix A
Confidential Reporting Authorized: Yes.

4. All other Morthland College faculty or staff. Reports may be made to any Morthland College faculty, employee or staff. **However, all Morthland College employees, faculty and staff, unless bound by legal privilege, who are made aware of an incident of sexual misconduct or sexual violence are required by law to report the incident to the Title IX Coordinator.**

Only the following Morthland College employees and staff are exempted from the requirement to report incidents of sexual misconduct or sexual violence:

- Campus mental-health counselors;
- Pastoral counselors;
- Social workers;
- Psychologists;
- Health center employees; and
- Any other person with a professional license requiring confidentiality, or who is supervised by such a person.

All complainants will be provided with information about available resources, accommodations, remedies, advisers, advocates, and options for proceeding with investigation. If a complainant requests that no formal action be taken or requests to remain anonymous during investigation and resolution of the report, Morthland College will comply with the complainant's request to the greatest extent practicable. Morthland College may be prevented from complying with a complainant's request for anonymity by law. Morthland College may also proceed with an investigation against a complainant's wishes in order to satisfy legal requirements or its commitment to provide a safe environment for all Morthland College Community Members. Morthland College will not disclose the identity of the complainant or the respondent, except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when provided by State or federal law.

B. *Investigation of Report.* Students and employees who wish to pursue formal investigation of a report of an alleged incident of sexual misconduct or sexual violence must complete the "Sexual Misconduct/Sexual Violence Complaint Form" included with this policy in Appendix A and submit it to the Sexual Misconduct/Sexual Violence Coordinator. The Sexual Misconduct/Sexual Violence Coordinator may also proceed with investigation of a report without a complainant's consent as allowed by this policy and as required by law. The Sexual Misconduct/Sexual Violence Coordinator will be responsible for initial assessment of the report, coordinating initiation of the investigation, and making referrals as necessary to ensure the conduct is stopped, does not occur again, and the effects of the conduct are addressed. The Sexual Misconduct/Sexual Violence Coordinator, or individual appointed by the Sexual Misconduct/Sexual Violence Coordinator, shall:

1. Within three (3) working days of receiving a complaint,
 - a. Meet with the complainant to obtain details of the allegations and make a written record of the complaint. The written record should include the name of the complainant, the name of the respondent, a factual description of the incident(s) (including dates, times, places, and the names of any witnesses), and the remedy sought by the complainant.
 - b. Advise the complainant of the necessity of maintaining confidentiality to the extent possible throughout the investigation process.
 - c. Advise the complainant of his or her right to not have past sexual history discussed during the proceedings.

- d. Inform the complainant of his or her right to have a person of their choice, including an attorney, accompany them throughout the proceedings. However, the complainant is responsible for participating in the investigation process; any person chosen by the complainant to accompany him or her through the process may not speak or directly participate in the investigation, except to the extent that the person may be a witness.
 - e. Advise the complainant that retaliation for having made a complaint of sexual misconduct or sexual violence is strictly forbidden by Morthland College policy.
 - f. Inform the complainant of the temporary measures that may be available until the complaint is resolved.
 - g. Advise the complainant of his or her right to present witnesses who have direct knowledge of the complaint.
 - h. Advise the complainant of all individuals with authority to make a finding or impose a sanction in their proceeding before the individual or individuals initiate contact with either party and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.
2. Within five (5) working days of receipt of a complaint:
 - a. Meet with the respondent to notify him or her of the specific allegations.
 - b. Advise the respondent of due process options available.
 - c. Advise the respondent of the necessity of maintaining confidentiality to the extent possible throughout the investigation process.
 - d. Inform the respondent of his or her right to have a person of their choice, including an attorney, accompany them throughout the proceedings. However, the respondent is responsible for participating in the investigation process; any person chosen by the respondent to accompany him or her through the process may not speak or directly participate in the investigation, except to the extent that the person may be a witness.
 - e. Advise the respondent that retaliation against a complainant for having made a complaint of sexual misconduct or sexual violence is strictly forbidden by Morthland College policy.
 - f. Allow the respondent five (5) working days to respond to the allegations.
 - g. Advise the respondent of his or her right to present witnesses who have direct knowledge of the complaint.
 - h. Advise respondent of all individuals with authority to make a finding or impose a sanction in their proceeding before the individual or individuals initiate contact with either party and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.
 - i. In the event the respondent is an employee, notify the respondent's supervisor of the complaint, if applicable. In the case of faculty, the chairperson and the dean will be notified. In the case of other employees, the supervisor and the unit head will be notified.
 - j. In the event the respondent is a student, the Dean of Student Affairs will be notified and if the student is a student worker at Morthland College, the appropriate supervisor will receive notification.
 - k. Inform the appropriate Department Chair.

- l. Interview witnesses and any other appropriate individuals to fully investigate the allegations of the complaint.
- m. At all stages of this process, assess whether a resolution is possible and attempt to resolve the complaint in the least disruptive, prompt and confidential manner.
- n. Assess whether interim measures are appropriate and make a recommendation for implementation of such measures to the appropriate Morthland College personnel.
- o. Ensure that the complainant and the respondent will have opportunities to present information, rebut evidence and present witnesses.
- p. Within thirty (30) working days of receipt of a complaint, determine whether the Sexual Misconduct and Sexual Violence Policy has been violated, make a written report of findings and conclusions, and notify the complainant and respondent of the results of the investigation.
- q. In cases where the respondent is an employee, notify the respondent's supervisor that the investigation is complete, and if a violation has occurred, make recommendations for appropriate discipline according to Section IX of this policy. Those who were originally notified of the complaint will receive a copy of the written report.
- r. In cases where the respondent is a student and there is a finding that the Sexual Misconduct and Sexual Violence Policy was violated, within thirty (30) working days of receipt of a complaint, notify the Dean of Student Affairs that a violation has occurred and make a recommendation for appropriate discipline according to Section IX of this policy. Those who were originally notified of the complaint will receive a copy of the written report.
- s. Provide notice that between the time the written report is given to the appropriate supervisor/Dean and when discipline is imposed, there shall be no *ex parte* communications between the supervisor/Dean and any of the parties or witnesses to the complaint. After discipline is imposed, the complainant and the respondent shall receive a copy of the written report.
- t. Advise the complainant of all individuals with authority to make a finding or impose a sanction in their proceeding before the individual or individuals initiate contact with either party and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.

3. The complainant and the respondent may not directly cross examine one another, but may, at the discretion of the investigator, suggest questions to be posed by the investigator and respond to the other party.

Within five (5) working days of notification of the results of the investigation, either the complainant or respondent may notify the investigator of his or her wish to appeal the determination as to whether the Sexual Misconduct and Sexual Violence Policy was violated. Where the appealing party is the respondent, he or she shall indicate whether he or she will appeal to the Sexual Misconduct and Sexual Violence Panel, or through any applicable civil service procedures, collective bargaining or student conduct codes. This choice by the respondent will constitute respondent's exclusive avenue of appeal. Where the respondent elects civil service, collective bargaining or student conduct code procedures, the investigator shall forward the report to appropriate personnel pursuant to the applicable procedure. Where the

complainant appeals or the respondent elects to appeal to the Sexual Misconduct and Sexual Violence Panel, within three (3) working days of receipt of the notice of appeal, the investigator shall initiate the appeal process.

VII. Appeal to the Sexual Misconduct and Sexual Violence Panel.

Upon Appeal by either respondent or complainant, the Sexual Misconduct and Sexual Violence Panel shall review the investigation appealed from to determine whether or not the Sexual Misconduct and Sexual Violence Policy was violated.

A. *Composition and Selection of Panel.* There shall be a Sexual Misconduct and Sexual Violence Panel Pool composed of two representatives from each of the five functional areas governed by the Department Chairs. Department Chairs will recommend candidates for the Pool to the Sexual Misconduct/Violence Coordinator, who will forward the recommendations to the President. The ten members of the Pool will be approved by the President on the basis of ability to maintain objectivity and confidentiality, and to attend training. The Sexual Misconduct and Sexual Violence Pool shall include representatives from faculty, professional staff, and civil service and shall include both males and females and represent additional diversity. A Sexual Misconduct and Sexual Violence Panel composed of three members of the Sexual Misconduct and Sexual Violence Panel Pool shall be selected by the original investigator within three (3) working days of receipt of the notice of appeal, taking into account such factors as the nature of the complaint, the prior experience and availability of the eligible members of the Pool, and equitable gender representation on the Panel. None of the three panel members shall be drawn from the same department of study or other reporting area as either the complainant or the respondent. Each member of the Panel will be provided with a copy of the original investigator's report.

B. *Procedures for Appeal.* The Sexual Misconduct and Sexual Violence Panel will proceed as follows:

1. Within seven (7) working days of receipt of the report from the original investigator, convene to review and discuss the report and schedule a date for a hearing.
2. Within seven (7) working days of receipt of the report from the original investigator, advise the complainant and respondent of the date of the hearing and their right to have an advisor of their choice, including an attorney, present throughout the hearings. However, complainant and respondent are responsible for presenting their own cases; an advisor may not speak or participate directly in any hearing, except to the extent that the person may be a witness.
3. Within ten (10) working days of receipt of the report, schedule a hearing to allow the complainant and respondent the opportunity to present information, rebut evidence, and present witnesses. Complainants and respondents will not be allowed to directly question each other, and questions shall be provided to the Panel Chair for presentation.
4. Allow the complainant and the respondent to remain present during the entire hearing. Complainants and respondents will not be required to have face-to-face contact.

5. Within ten (10) working days of the conclusion of the hearing, determine whether the Sexual Misconduct and Sexual Violence Policy has been violated and prepare a written report of the Panel's findings, conclusions and any recommendations for sanctions.

6. Within ten (10) working days of the conclusion of the hearing, forward a copy of the Panel's report to the complainant, respondent, and the original investigator.

7. If the Panel makes a finding that the Sexual Misconduct and Sexual Violence Policy was violated, the original investigator will forward a copy of the Panel's report, including recommendations for sanctions, to the appropriate Morthland College personnel for implementation.

8. Within ten (10) working days of receipt of the Panel's report and recommendations, the appropriate Morthland College personnel will impose sanctions as deemed appropriate.

VIII. Appeal from Sexual Misconduct and Sexual Violence Panel Findings.

Within five (5) working days of receipt of the Sexual Misconduct and Sexual Violence Panel's report, either the respondent or complainant may provide written notice of appeal to the Office of the President. The President will review the record and either uphold or reverse the decision being appealed within ten (10) working days of receipt of the appeal. A complainant may also seek relief through the Equal Employment Opportunity Commission, (1222 Spruce, Room 8.100, St. Louis, MO 63103); the U.S. Department of Education, Office for Civil Rights - Chicago Office (500 W. Madison Street, Suite 1475, Chicago, IL 60661); the State of Illinois Department of Human Rights (222 South College, Floor 1, Springfield, IL 62704); and the courts.

IX. Available Measures During Investigation and Appeal.

A complainant may request protective measures during the investigation and/or appeal of a report of alleged sexual misconduct or sexual violence. All respondents will be afforded notice and a hearing prior to imposition of any measures against a respondent, unless deprivation of a respondent's due process rights is legally permissible due to an immediate threat to health, safety or welfare. The following measures may be applied to the complainant or respondent:

- Coordination of access to on-campus or off-campus counseling services;
- An order that the respondent have no contact with the complainant while on-campus;
- Modification of coursework;
- Change in class schedule;
- Withdrawal from a course without penalty;
- Change in job assignment or schedule;
- Change in housing;
- Limits on access to Morthland College facilities or activities;
- Voluntary leave of absence;
- Involuntary leave of absence or suspension;

- Academic support services;
- Any other measure the Title IX Coordinator deems compatible with the spirit and intent of this policy.

X. Sanctions for Violation.

A. *Employees and Other Individuals.* If there is a finding of sexual misconduct or sexual violence by an employee or another individual, Morthland College may impose sanctions including, but not limited to:

1. Apology to the complainant;
2. Advice and counseling;
3. Required attendance at sexual misconduct or sexual violence training;
4. Written warning;
5. Letter of reprimand;
6. Removal of sexually explicit material;
7. Required attendance at substance abuse training, if substance abuse was involved;
8. Loss of travel dollars;
9. Loss of choice assignments;
10. Change of job or class assignment;
11. Suspension, probation, termination; and
12. Loss of access to Morthland College.

B. *Students.* If there is a finding of sexual misconduct or sexual violence by a student, Morthland College may impose sanctions including, but not limited to:

1. Apology to the complainant;
2. Written warning;
3. Letter of reprimand;
4. Removal of sexually explicit material;
5. Prohibiting students from holding office or participating in activities such as sports events for a specified time;
6. Transferring the student to another class or job;
7. Transferring students to different housing or prohibiting them from living in institutional housing facilities;
8. Requiring attendance at substance abuse training, if substance abuse was involved;
9. Requiring relevant community service;
10. Requiring perpetrators to attend workshops on sexual misconduct and/or sexual violence;
11. Loss of student worker position or internship; and
12. Suspension, probation, dismissal or expulsion.

XI. Retaliation

Retaliation against a student or an employee who complains of sexual misconduct or sexual violence, or who participates in an investigation of a complaint, is prohibited. Retaliation is

prohibited by Morthland College, state and federal law and can lead to disciplinary action independent of the base allegations.

XII. Frivolous or Malicious Charges

These procedures shall not be used to bring frivolous or malicious charges against fellow students, faculty or staff members. Disciplinary action under the appropriate Morthland College policies or procedures for students, faculty, and staff shall be taken against any employee or student bringing a frivolous or malicious charge of sexual misconduct or sexual violence.

XIII. Survivor's Rights and Options.

Morthland College is required by law to provide survivors with concise, written information regarding their rights and options upon receipt of a report of an alleged violation of this policy pertaining to sexual misconduct and sexual violence. Morthland College and/or confidential advisors will provide a copy of "Survivor's Rights and Options" as set forth in Appendix B to every survivor upon receipt of a report of sexual misconduct or sexual violence. The "Survivor's Rights and Options" will be provided within 12 hours of a report and shall include, at a minimum, the following:

- (1) the survivor's right to report or not report the alleged incident to Morthland College, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- (2) the contact information for Morthland College's Title IX coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement (if applicable), and local law enforcement;
- (3) the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- (4) the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- (5) Morthland College's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and
- (6) a summary of Morthland College's complaint resolution procedures if the survivor reports a violation of the comprehensive policy.

XIV. Education, Training, and Awareness.

A. *Access.* This policy and “Survivor’s Rights and Options” (Appendix B) must be available through Morthland College’s website at all times.

B. *Training.*

1. *Students.* All students who attend one or more classes on campus shall be provided with sexual misconduct and sexual violence training including, at a minimum, the following:
 - a. Morthland College’s definitions of consent, inability to consent, and retaliation as they relate to sexual violence;
 - b. reporting to Morthland College, campus law enforcement (if applicable), and local law enforcement;
 - c. reporting to the confidential advisor or other confidential resources;
 - d. available survivor services; and
 - e. strategies for bystander intervention and risk reduction.

At the beginning of each academic year, Morthland College shall provide each student with an electronic copy or hard copy of this policy, including related procedures and protocols.

2. *Employees.* All employee of Morthland College who are involved in (i) the receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking, (ii) the referral or provision of services to a survivor, or (iii) any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence, or stalking. Employees falling under this description include without limitation the Title IX coordinator and members of campus law enforcement and/or campus security. An enrolled student at or a contracted service provider of Morthland College with the employee responsibilities outlined in clauses (i) through (iii) of this paragraph shall also receive annual survivor-centered and trauma-informed response training.

- a. Morthland College shall design the training to improve the trainee's ability to understand (i) this policy; (ii) the relevant federal and State law concerning survivors of sexual violence, domestic violence, dating violence, and stalking at higher education institutions; (iii) the roles of Morthland College, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence; (iv) the effects of trauma on a survivor; (v) the types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence; and (vi) consent and the role drugs and alcohol use can have on the ability to consent. The training shall also seek to improve the trainee's ability to respond with cultural sensitivity; provide services to or assist in locating services for a survivor, as appropriate; and communicate sensitively and compassionately with a survivor of sexual violence, domestic violence, dating violence, or stalking.

Annual education and training will occur to update and review sexual misconduct and sexual violence issues.

XV. Amnesty to Reporters.

Any student who reports, in good faith, an alleged violation of this policy will not be subject to disciplinary sanction for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless Morthland College determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk.

XVI. Sexual Misconduct and Sexual Violence Task Force.

A. *Purpose.* The purpose of the campus Sexual Misconduct and Sexual Violence Task Force is to improve coordination between community leaders and service providers to prevent sexual violence, domestic violence, dating violence, and stalking and to ensure a coordinated response in terms of law enforcement and victim services.

B. *Composition.* The Sexual Misconduct and Sexual Violence Task Force shall be composed of representatives of campus staff, campus students, community-based organizations, and law enforcement. The President will select task force members after inviting each of the following entities to identify appropriate individuals to serve:

- A community-based sexual assault crisis center;
- A community-based domestic violence agency;
- Local law enforcement; and
- The local State's Attorney's office.

C. *Duties and Responsibilities.* Campus-wide task forces are to meet at least two times per calendar year to discuss and improve upon the following areas:

1. Best practices as they relate to prevention, awareness, education, and responses to sexual violence, domestic violence, dating violence, and stalking;
- 2.
3. Morthland College Sexual Misconduct and Sexual Violence Policy;
- 4.
5. Collaboration on information-sharing among the higher education institution, community-based organizations, and law enforcement, including without limitation discussing memoranda of understanding, protocols, or other practices for cooperation.

XVII. Reporting.

Morthland College shall make an annual report to the Illinois Department of Human Rights and the Illinois Attorney General containing the following components:

1. A copy of Morthland College's most recent Sexual Misconduct and Sexual Violence Policy.
2. A copy of "Survivor's Rights and Options."

3. The number, type, and number of attendees, if applicable, of primary prevention and awareness programming.
4. The number of incidents of sexual violence, domestic violence, dating violence, and stalking reported to the Title IX coordinator or other responsible employee.
5. The number of confidential and anonymous reports of sexual violence, domestic violence, dating violence, and stalking.
6. The number of allegations in which the survivor requested not to proceed with Morthland College's complaint resolution procedure
7. The number of allegations of sexual violence domestic violence, dating violence, and stalking that were investigated.
8. The number of allegations of sexual violence, domestic violence, dating violence, and stalking that were referred to local or State law enforcement.
9. The number of allegations of sexual violence, domestic violence, dating violence, and stalking that were reviewed through complaint resolution procedures.
10. With respect to all allegations of sexual violence, domestic violence, dating violence, and stalking reviewed under the complaint resolution procedure, an aggregate list of the number of students who were (i) dismissed or expelled, (ii) suspended, (iii) otherwise disciplined, or (iv) found not responsible for violation of the comprehensive policy through the complaint resolution procedure during the reporting period.

APPENDIX A
CONFIDENTIAL ADVISORS

1. Name: Dr. Joyce Griffin
Title: Counselor and Behaviorist
Address: 300 East Main, West Frankfort
Telephone: 618-525-2340
Fax
Email

2. Name
Title
Address
Telephone
Fax
Email

3. Name
Title
Address
Telephone
Fax
Email

4. Name
Title
Address
Telephone
Fax
Email

5. Name
Title
Address
Telephone
Fax
Email

APPENDIX B



SEXUAL MISCONDUCT AND SEXUAL VIOLENCE COMPLAINT FORM

I am a (please check one): Student Employee Other (specify) _____

Your Name, Address, Telephone, and E-mail:

Name of person you believe committed an act of sexual misconduct or sexual violence:

Brief description of the incident (attach additional pages if necessary):

Name(s) and contact information of any witness to the incident (attach additional pages if necessary):

Please check one:

I understand that this is a formal complaint form that will initiate an investigation into my allegations. It is a confidential process based on need to know. I understand that Morthland College may be required by law to report non-identifying information about this complaint. I have received and reviewed a copy of "Survivor's Rights and Options."

I do not want a formal investigation into my allegations and want the incident kept as a private, confidential matter. I understand that Morthland College may be required by law to report non-identifying information about this complaint. I have received and reviewed a copy of "Survivor's Rights and Options."

Complainant Signature: _____ Date: _____

APPENDIX C
SURVIVOR'S RIGHTS AND OPTIONS

XVIII. Survivor's Rights and Options.

Morthland College is required by law to provide survivors with concise, written information regarding their rights and options upon receipt of a report of an alleged violation of this policy pertaining to sexual misconduct and sexual violence. Morthland College and/or confidential advisors will provide a copy of "Survivor's Rights and Options" as set forth in Appendix B to every survivor upon receipt of a report of sexual misconduct or sexual violence. The "Survivor's Rights and Options" will be provided within 12 hours of a report and shall include, at a minimum, the following:

- (1) the survivor's right to report or not report the alleged incident to Morthland College, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- (2) the contact information for Morthland College's Title IX coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement (if applicable), and local law enforcement;
- (3) the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- (4) the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- (5) Morthland College's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and
- (6) a summary of Morthland College's complaint resolution procedures if the survivor reports a violation of the comprehensive policy.