

2.1200 Addressing Discrimination and Harassment (to Include Sexual Assault, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence and Stalking)

POLICY

Rend Lake College does not engage in discrimination or harassment, or tolerate discrimination or harassment against any person because of the following protected categories: race, color, religion, sex, pregnancy or related conditions, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, sex stereotypes, sex characteristics, gender identity, arrest record status, military status, and unfavorable discharge from military service.

In furtherance of Rend Lake College's commitment to the principles of equality and equal opportunity for applicants, students, faculty, staff, and visitors, this policy and the associated procedures are established to provide a means to address complaints of discrimination or harassment based on the protected categories described herein. The College will comply with all federal, state, and applicable local nondiscrimination, equal opportunity and affirmative action laws, orders and regulations.

Rend Lake College is committed to providing prompt and effective resolution of alleged or suspected incidents of discrimination or harassment. If disciplinary action is warranted, discipline will be imposed in accordance with applicable established College rules and regulations. Retaliation against any person for coming forward with a complaint or a concern, or for otherwise participating in this process, will not be tolerated. Additionally, the College can unilaterally initiate any and all steps under this policy and procedure when it learns, either directly or indirectly, that discrimination, sex-based harassment or retaliation is alleged to be taking place.

This policy is designed to promote a safe and healthy learning and work environment and to comply with multiple laws that prohibit discrimination, including: Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the [Americans with Disabilities Act Amendments Act](#), the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978, the Uniformed Services Employment and Re-employment Act, the Veterans' Readjustment Act of 1974, the Genetic Information Nondiscrimination Act of 2008, the Illinois Human Rights Act and the Illinois Preventing Sexual Violence in Higher Education Act.

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A. Policy Definitions

For purposes of this policy, the following definitions will apply. In the event of a conflict with federal or state definitions, the order of supremacy shall apply.

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to the college's Title IX Coordinator or any college official who has authority to institute corrective measures on behalf of the college. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only person with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the college.

Campus Security Authorities: Campus security authorities (CSAs) are defined as: the RLC Police Department; any individual or individuals who have responsibility for campus security but who do not constitute the RLC Police Department; any individual or organization specified in RLC's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and RLC officials who have significant responsibility for student and campus activities. These individuals are normally required to fully document all operative facts of an incident that are reported or that are developed throughout the course of a criminal investigation.

Campus Visitor: Includes any person who is not affiliated with the college as either a student or employee.

Complainant: A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination .

Complaint: an oral or written request to the college that objectively can be understood as a request for the college to investigate and make a determination about alleged discrimination under Title IX.

Consent: voluntary, positive agreement between the participants to engage in specific sexual activity. This definition includes the following parameters:

- (1) consent is a freely given agreement to sexual activity
- (2) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent
- (3) a person's manner of dress does not constitute consent

- (4) a person's consent to past sexual activity does not constitute consent to future sexual activity
- (5) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another
- (6) a person can withdraw consent at any time
- (7) 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. See [720 ILCS 5/11-1.70](#) for the Illinois definition of consent.

In Illinois, the age of consent is 17 years.

Course of Conduct: Two or more incidents, including but not limited to acts through which the stalker directly, indirectly, or through a third party, by an action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: a felony or misdemeanor crime committed by a person who: is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the college, or a person similarly situated to a spouse of the victim; shares a child in common with the victim; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or who commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Education Program or Activity (Prior to 8/1/2024): Includes locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the sex-based harassment occurs.

Education Program or Activity (On or after 8/1/2024): Includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the college, and conduct that is subject to the college's disciplinary authority. The college has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the college's education program or activity or outside the United States.

Employee: Any individual who performs services for the campus or the College in exchange for pay and/or benefits, or designated College volunteer.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sex-based harassment against a respondent and requesting that the college investigate the allegation of sex-based harassment. At the time of filing a formal complaint, a complainant must

be participating in or attempting to participate in an education program or activity of the college. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under Title 34, Code of Federal Regulations, § 106.8(a), and by any additional method designated by the college. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

Harassment: unwelcome conduct based on (actual or as perceived by the alleged offender) race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation including gender identity, arrest record status, military status, and unfavorable discharge from military service. Harassment becomes unlawful when:

- the conduct is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile, or abusive; and
- enduring the offensive conduct becomes a condition of continued employment or participating in an educational program or activity.

Mandated Reporters: All faculty and staff are mandated reporters of violations of this comprehensive policy. They must report alleged violations of this comprehensive policy to a Title IX coordinator.

Party: a complainant or respondent.

Peer Retaliation: retaliation by a student against another student.

Reasonable Person: Reasonable person under similar circumstances and with similar identities to the victim.

Relevant: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the recipient’s education program or activity after a recipient determines that sex discrimination occurred.

Respondent: A person who is alleged to have violated the recipient’s prohibition on sex discrimination.

Responsible Employees: Any employee who has the authority to take action to redress sexual violence, who has been given the duty to report to appropriate school officials about incidents of sexual violence or any other misconduct by students, or who a person could reasonably believe has this authority or responsibility. At RLC, all those designated as “mandated reporters” are also “responsible employees”.

Retaliation: means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process under § 106.44(k), in grievance procedures under § 106.45, and if applicable § 106.46, and in any other actions taken by a recipient under § 106.44(f)(1). Nothing in this definition or this part precludes a recipient from requiring an employee or other person authorized by a recipient to provide aid, benefit, or service under the recipient's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

Sexual Abuse: any nonconsensual sexual act proscribed by Federal or State law, including when the victim lacks capacity to consent. Sexual abuse occurs when a person 1) commits an act of sexual conduct by the use of force or the threat of force, or 2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent. See [720 ILCS 5/11-1.50](#) for additional definitions related to the ages of the offender and the victim.

Sexual Assault: is defined as any nonconsensual sexual act proscribed by Federal or State law, including acts committed by force or the threat of force and acts in which the victim lacks capacity to consent.

Sex-based Harassment: Sex-based harassment prohibited by Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in 34 CFR Part 106.10, that is:

- (1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the college to provide an aid, benefit, or service under the college's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- (2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred;
 - and
 - (v) Other sex-based harassment in the recipient's education program or activity.

(3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Sexual assault is defined in U.S. Code as an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation. This includes the following crimes:

- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- Rape: (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent

Sexual Misconduct: includes but is not limited to: intentional and undesired physical contact, stalking, attempted or actual kissing or fondling, intimate partner violence, coerced sexual activity, indecent exposure, repeated unsolicited propositions for dates and/or sexual relations, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing (physically or psychologically) a person or persons.

Sexual Violence: 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.

Stalking: a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

Student: a person who has gained admission.

Substantial Emotional Distress: significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Supportive Measures: individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures under § 106.45, and if applicable § 106.46, or during the informal resolution process under § 106.44(k)

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX: Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended.

Title IX Advisory Committee: This group convenes biannually (or more frequently as needed) to review and discuss reported incidents of sex-based harassment (including sexual assault and sexual violence), undergo training, identify educational opportunities for the campus, and make policy recommendations. The committee is chaired by the Title IX Coordinator and is comprised of the Title IX Deputy Coordinators and individuals from select college departments and the community. A regional advisory committee or task force also may perform this function.

Title IX Coordinators: The Title IX Coordinator is responsible for overseeing all of Rend Lake College's Title IX compliance efforts, including gender discrimination, sex-based harassment, retaliation, sexual assault, and athletics. The Title IX Coordinator coordinates the college's efforts to end the alleged discrimination, prevent its recurrence, and remedy its effects on the victim and the college community. Title IX Deputy Coordinators are college employees who have been trained and designated by the Title IX Coordinator to receive and investigate allegations of sex-based harassment.

B. Discrimination

No Rend Lake College student, faculty, staff, applicant, or visitor shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any college service, program or activity on the basis of any of the following protected categories (actual or as perceived by the alleged offender): race, color, religion, sex, pregnancy or related conditions, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, sex stereotypes, sex characteristics, gender identity, arrest record status, military status, and unfavorable discharge from military service.

Discrimination is prohibited in all contexts at Rend Lake College, including but not limited to the following matters: recruitment, testing, hiring, compensation, assignments and promotions, training and development opportunities, leave, performance evaluations, and access to educational programs, activities, services, or facilities, and access to educational programs and activities, including career technical programs / courses. Information about CTE program offerings and admissions requirements is available at www.rlc.edu/programs-degrees.

C. Harassment

Harassment, including sex-based harassment, is a form of discrimination. Rend Lake College does not tolerate any form of harassment in work or study. The college considers such behavior – whether physical or verbal – to be a breach of its standards of conduct. It will seek to prevent such incidents and will investigate and take corrective actions in response to alleged or suspected violations of this policy. Sexual abuse, sexual assault, dating violence and domestic violence are severe forms of sex-based harassment and are violations of this policy as well as the State Criminal Code.

D. Title IX

Title IX is a federal law that prohibits sex-based discrimination in education programs and activities receiving federal financial assistance. Title IX states as follows:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

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

Title IX also applies to admissions, employment, financial aid, athletics, academic matters, career services, and all other Rend Lake College programs and activities. The Title IX statute applies to persons in the United States with respect to education programs or activities that receive federal financial assistance.

E. Retaliation

It is unlawful to retaliate against an individual for opposing practices that discriminate based on a protected class or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation. Rend Lake College strictly prohibits and will not tolerate reprisals or retaliation against persons due to their assertion of their protected civil rights.

F. Disciplinary Sanctions

If a party is found to be in violation of one or more of the sections of this policy, disciplinary sanctions may be imposed. Imposed sanctions can include, but are not limited to:

- Dismissal of charges
- Oral reprimand of the respondent
- Censure stating further misconduct by the respondent will bring additional sanctions
- Disciplinary probation of the respondent
- Community service of the respondent
- College-imposed order of protection limiting the respondent’s contact with the complainant
- Restitution by the respondent to the complainant
- Suspension of the respondent
- Expulsion of the respondent
- Barring the respondent from college property
- Referral for charges within the state of Illinois criminal justice system

PROCEDURE

A. Reporting

Individuals alleging violation of the policies herein are encouraged to report the alleged violation immediately upon experiencing the alleged misconduct or learning of the alleged misconduct. Individuals reporting alleged or suspected violations of this policy should contact the Rend Lake College Police Department by visiting their office in the Student Center on campus, by calling them at 618-525-1911, or by email at police@rlc.edu (non-emergencies only). Reports also may be made using the complaint form available on the college's website, www.rlc.edu.

Rend Lake College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. Title IX sex-based harassment, as defined above, can be reported directly to the Title IX Coordinator. Any person may report sex discrimination, including sex-based harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including by making a report to the RLC Police Department. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Notice of or allegations of sex-based harassment to the college's Title IX Coordinator, or to any college officials with authority to institute corrective measures on the college's behalf (i.e., the President's Executive Leadership Team), will constitute knowledge and thus trigger a response from the college. The Title IX Coordinator shall confer with and/or seek guidance from the President on matters that he/she deems appropriate.

College employees to whom misconduct is reported are required to report the alleged misconduct to the Rend Lake College Police Department immediately. Employees who fail to report alleged or suspected violations of this policy to the appropriate campus office in a timely manner may be subject to disciplinary action, up to and including termination.

Persons visiting the campus who believe they are subject to conduct that would constitute a violation of the policies herein as perpetrated by a Rend Lake College employee or student should contact the Rend Lake College Police Department on campus or at 618-525-1911.

A student, employee or visitor who has experienced a sexual assault or other act of sexual violence may also contact proper law enforcement authorities (e.g., by calling 911), including Rend Lake College police or local police, about possibly filing a criminal complaint. The Title IX Coordinator is available to assist students in making contact with appropriate law enforcement authorities upon request. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. Rend Lake College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Victims of sexual violence are strongly encouraged to report this in a timely manner to the Rend Lake College Police Department. Filing a police report with the Rend Lake College Police

Department will not obligate the victim to prosecute, but it will: ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim; provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later; and ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Upon receiving a report of an allegation of sexual violence, dating violence, domestic violence or stalking, the college will provide survivors with concise information, written in plain language, concerning their rights and options.

1. **Anonymous & Confidential Reporting**

Crime victims who do not want to pursue action with the college or the Illinois criminal justice system still have the option of making a confidential report. With the reporting person's permission, the Rend Lake College Chief of Police can file a report concerning the details of the incident without revealing that person's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. Those wishing to file a confidential report will be referred to the Rend Lake College Chief of Police or any of the Campus Security Authorities. Reports filed in this manner are counted and disclosed in the Rend Lake College Annual Security Report crime statistics for the institution. Those who wish to pursue action within the college or the Illinois criminal justice system should be aware that police reports are public record and thus cannot be held in confidence.

2. **Third-Party & Bystander Reporting**

Third parties and bystanders who wish to report violations of these policies may use the same reporting procedures outlined above.

CONTACT INFORMATION

Campus Police Department & Local Law Enforcement

Main Campus (Ina)

Rend Lake College Police Department: 618-525-1911 or 618-437-5321, Ext. 1911, police@rlc.edu, 468 N. Ken Gray Pkwy, Ina, IL 62846. Confidential reporting is available through the RLC Police Department.

Jefferson County Sheriff's Office: 618-244-8004, 911 E. Casey Ave., Mt. Vernon, IL 62864

RLC MarketPlace (Mt. Vernon)

MarketPlace Security: 618-237-1911

Mt. Vernon Police Department: **Call 911 for emergencies.** 618-242-2131, 600 S. 27th St., Mt. Vernon, IL 62864

RLC Murphy-Wall Pinckneyville Campus

Pinckneyville Police Department: **Call 911 for emergencies.** 618-357-8231, 104 South Walnut Street, Pinckneyville, IL 62274

RLC Police Department (non-emergencies): 618-437-5321, Ext. 1911, 468 N. Ken Gray Pkwy, Ina, IL 62846

Community-Based Sexual Assault Crisis Centers

S.A.F.E. (Sexual Assault & Family Emergency)

24-hour Crisis Hotline: 1-800-625-1414

<http://safecrisiscenter.org>

NOTE: Rend Lake College has partnered with S.A.F.E. for their services. They can provide a referral to an agency closer to the alleged victim if they wish.

The Survivor Empowerment Center

24-hour Hotline: 1-800-334-2094

<https://www.empoweringsurvivors.org>

Confidential Advisors & Resources

Rend Lake College does not employ pastoral counselors or professionally licensed or certified counselors to provide any counseling services to crime victims. However, confidential advisors are available through S.A.F.E. (see contact information above), which provides confidential counseling, crisis intervention and referrals along with information to victims of sexual assault and sexual abuse. Victims of crime will be provided a copy of the Illinois Attorney General's Crime Victim Rights in Illinois brochure. This brochure explains victims' rights under Illinois law and also provides some resources available to victims.

Hospitals

Crossroads Community Hospital

#8 Doctors Park Road

Mt. Vernon, Illinois 62864

(618) 244-5500

<http://www.crossroadshospital.com>

Franklin Hospital

201 Bailey Lane

Benton IL 62812

618-439-3161

<http://www.franklinhospital.net>

Pinckneyville Community Hospital

5383 State Route 154

Pinckneyville, IL 62274

618-357-2187

<http://www.pvillehosp.org>

SSM Health Good Samaritan Hospital

1 Good Samaritan Way

Mt. Vernon, IL

618-242-4600

<http://www.ssmhealth.com>

Title IX Coordinators

Title IX Coordinator – Chad Copple, 618-437-5321, Ext. 1237 • copplec@rlc.edu • ADM 137

Title IX Deputy Coordinator – Cathy DeJarnette, 618-437-5321, Ext. 1243 • dejarnettec@rlc.edu • ADM 126

Title IX Deputy Coordinator – Henry Leeck, 618-437-5321, Ext. 1790 • leeckh@rlc.edu • ADM 110

B. Procedures for Addressing Violations of this Policy

NOTE: This section applies to alleged violations of this policy not involving sex discrimination, and allegations of sex discrimination that do not qualify as Title IX offenses. Procedures for addressing Title IX sex discrimination and sex-based harassment are included in Section C below.

Rend Lake College is committed to the prompt and equitable resolution of all alleged or suspected violations of this policy about which the college knows or reasonably should know, and in the case of Title IX, when the college has received knowledge of an allegation. Complainants alleging violation of the comprehensive policy shall have the opportunity to request that the complaint resolution procedure begin promptly and proceed in a timely manner. The college's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the college's access to information relevant to the alleged or suspected violation of this policy. Rend Lake College is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances. The college may, upon finding good cause, modify these procedures in the interests of promoting full and fair resolution of suspected or alleged violations of this policy in accordance with applicable law.

1. Informal Resolution

To the extent they feel comfortable, individuals are encouraged to first discuss and seek resolution with the individual(s) against whom the complaint is alleged. Any member of the campus community may consult with the Rend Lake College Police Department or the Vice President of Academic and Student Services about conduct that they believe may violate this policy. At any point, an individual may choose to engage the resolution procedures outlined below.

Informal resolutions are designed to operate in an expeditious manner and to empower the parties to reach a mutually satisfactory agreement with the assistance of a neutral third party. The investigator does not make a determination of fact as to whether college policy has been violated as part of the informal resolution process. Instead, the investigator will use conflict resolution techniques to attempt to resolve the concern(s) brought forward in a manner that is satisfactory to all parties. Informal resolution is flexible and invites active participation of all the parties in order to resolve the matter. Moreover, the investigator will only speak to the individuals whose involvement is necessary to facilitate a resolution. In some instances, this might include only the parties directly involved.

Informal resolution is not an option if the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with Federal, State or local law.

a. Informal Resolution Request

The investigator who receives a complaint or request for informal resolution will attempt to resolve concerns by informal or collegial processes, including mediation if the complaining party seeks such assistance. To request resolution via informal means, individuals must (1) contact the Rend Lake College Police Department or Vice President of Academic and Student Services within 60 days following the last occurrence of the behavior or incident of discrimination that is the subject of the informal resolution, and (2) complete a Complaint Form. This form is available on the RLC website at www.rlc.edu and at the RLC Student Services Office and the RLC Police Department Office. The Complaint Form must provide details sufficient to inform the investigator about the behavior or incident of discrimination. The investigator will review the request for resolution and determine if the matter is appropriate for informal resolution and whether the allegations set forth in the request form, if substantiated, would constitute a violation of this policy. If not, the investigator will make a referral to an appropriate office.

If the individual declines to complete the Complaint Form, the investigator will either (1) close the matter; or (2) invoke the formal investigation process below if the alleged or suspected misconduct would constitute prohibited discrimination, harassment, or retaliation in violation of this policy.

b. Informal Resolution Disposition

If the investigator determines that the allegations are sufficient to establish a claim of discrimination, harassment, or retaliation, he/she shall initiate the informal resolution process. The investigator will attempt to achieve a mutually acceptable resolution within 15 days from the receipt of the Complaint Form. Any party may pursue a formal investigation if he or she is dissatisfied with a proposed informal resolution.

Informal efforts to address the allegations will conclude with one of the following: (1) a resolution of the complaint by agreement of the parties; or (2) a decision to stop further action. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the initiating party; assisting the responding party to better understand the effects of his or her conduct and ways in which this behavior could be changed; participation in educational programs about equal opportunity or harassment; verbal or written reprimands; or other interventions or actions aimed at ending the alleged misconduct.

In concluding the informal resolution phase, the investigator shall submit a report to the parties involved in the allegation and the appropriate Title IX Coordinator if necessary, but not normally to any other campus-level office. Informal resolution reports will usually be brief. Reports prepared by an investigator, and all records collected during the investigation, shall be kept separate from the official personnel files of the parties.

2. Formal Investigation

If a complaint proceeds to a formal investigation or the matter is not appropriate for informal resolution, a prompt, thorough, and impartial investigation will be conducted to determine if a violation of this policy occurred. A formal investigation includes interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications. At the conclusion of the investigation, a determination based on all of the

evidence is provided to the President and Title IX Coordinator if necessary along with a recommendation for further action if warranted.

a. Investigation Request

If there is no mutually acceptable informal resolution, a request for a formal investigation must be submitted within 14 days of the informal resolution disposition, or the college may invoke the formal investigation process on its own. A request for a formal investigation should be submitted in writing. Individuals are encouraged to provide as much information as possible, including a description of the discriminatory decisions and/or alleged incident(s) of harassment or other actions that form the basis of the complaint, together with relevant date(s) and the name(s) of the individual alleged to have violated the policy, i.e. Respondent. The complainant should also include the name(s) of any witnesses, if applicable. Even absent a complaint or investigation request, Rend Lake College will nonetheless investigate suspected violations of this policy to the extent possible and to the extent necessary to comply with applicable law. The complainant and respondent shall (i) receive notice of the individual or 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.

b. Investigation Notification

Prompt notification of a complaint will be provided by the Rend Lake College Police Department to the Vice President of Academic and Student Services and to the Title IX Coordinator if necessary by delivery of a copy of the written complaint. The notification to the respondent(s) will include a copy of any written complaint or a description of any complaint submitted orally, the identity of the complainant(s), and these procedures. Delivery by electronic means is appropriate.

The respondent(s) will be requested to respond in writing to the complaint within a reasonable time, not to exceed 14 days from the date of delivery of the notification of the complaint. Any extension of time must be approved by the Vice President of Academic and Student Services or, if appropriate, the Title IX Coordinator. A copy of the respondent(s)'s response will be provided to the complainant.

c. Investigation Assurances

Both the complainant and respondent will be provided with the following in connection with the investigation of alleged or suspected violations of this policy:

- The opportunity to speak on their own behalf.
- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- The opportunity to submit other evidence on their behalf.
- The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law).
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to appeal the outcome of the investigation.

- Any proceeding, meeting, or hearing held to resolve complaints of alleged student violations of the comprehensive policy shall protect the privacy of the participating parties and witnesses.

d. Investigation Disposition

All employees and students have an obligation to cooperate in the conduct of these procedures. Failure to do so may result in disciplinary action. In the event that a complainant does not cooperate by failing to furnish information requested by the investigator or failing to make himself or herself available for interview by the investigator, that may affect the College's ability to investigate the matter and may result in the complaint being dismissed. The investigator shall provide written notice of the outcome of the investigation to the complainant(s) and the respondent(s). In the event that a Respondent does not cooperate by failing to furnish information requested by the investigator or to make himself or herself available for interview by the investigator, the investigator may conclude that such information or interview, if provided or conducted, would be adverse to the respondent.

A disciplinary committee chosen by the College President will preside over hearings. The alleged victim and accused will either be notified in person or by certified return receipt mail of the date, time, and location for the disciplinary hearing which will be conducted by the appropriate Vice President. Both the alleged victim and the accused are afforded the same opportunity to be accompanied by one advisor for a disciplinary hearing if so desired. The advisor may attend the disciplinary hearing to counsel the student. In no event may the advisor participate directly by speaking or questioning either party. At any time during the disciplinary hearing, the advisor may be asked to leave should they not adhere to their role of acting in an advisory capacity only. The complainant and the respondent may not be compelled to testify in the presence of the other party. If a party invokes this right, the college will make arrangements by which each party can, at a minimum, hear the other party's testimony. The complainant and the respondent may not directly cross examine one another, but may, at the discretion and direction of the committee, suggest questions to be posed by the committee and respond to the other party. If either the alleged victim or the accused do not attend the scheduled hearing, it may still be conducted in absentia and the verdict rendered regardless of their attendance or participation in the disciplinary hearing.

Within 7 days following the disciplinary hearing, the Vice President will prepare a report to include (1) the complainant's allegations or a summary of any other suspected violations; (2) the respondent's replies to the allegations or suspected violations; (3) information provided by witnesses, documents, or other information obtained during the investigation; (4) a description of the investigation process; (5) the investigator's analysis of evidence and findings of fact on each element of the complaint; and (6) any recommendation(s) disciplinary committee members may consider pertinent to the disposition of the complaint.

The Vice President's findings of fact shall be made using the preponderance of the evidence standard (i.e., more likely than not). Individuals are presumed innocent unless a preponderance of the evidence supports a finding of misconduct. The preponderance of the evidence standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it. If there is evidence that the complaint was

filed without a reasonable basis in fact and honest belief, the investigator shall include that evidence in his or her report. Such conduct could constitute a violation of this policy.

The Vice President shall submit his or her conclusion and recommendation to the complainant, the respondent, and the President. The Vice President, in consultation with legal counsel, the President, and his/her designee(s) deemed to be relevant to the decision-making process, shall make his or her decision as to the disposition of the case as soon as possible, but no later than 7 days of the disciplinary hearing (or as soon as feasible when extensions are necessary). This decision shall be in writing and shall include an explanation of the decision, any and all sanctions imposed, and appeal rights. Copies of the decision will be sent to the complainant, the respondent, and other appropriate executive officers. The complainant and respondent shall be informed of the decision contemporaneously to the greatest extent possible. The College also may disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a “no contact” order).

3. Appeals

This part of the procedure allows either the complainant or the respondent to appeal the Vice President’s disposition to the college Executive Vice President or President.

a. Appeal filing

The complainant and the respondent each have the right to appeal the Vice President’s decision within 14 days of his/her written decision from the formal investigation. This appeal may be based on either substantive or procedural grounds. The appeal must be submitted in writing with all supporting materials attached.

b. Appeal resolution

The Executive Vice President or President shall decide the appeal as soon as possible, but no later than 15 days after the final submission of appeal materials (or as soon as feasible when extensions are necessary). The President’s decision shall be in writing, shall include an explanation, and shall be submitted to the complainant, the respondent, the appropriate Vice President, and the Title IX Coordinator, if necessary. This written decision on the appeal shall constitute the final administrative action of the College.

C. Grievance Procedures for Complaints of Sex Discrimination

Rend Lake College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

A report of sex discrimination will first be investigated to determine if it falls under Title IX of the Education Amendments Act of 1972. If the report does fall under Title IX, it will follow this separate procedure. If not, the matter may still be pursued as an alleged violation of the comprehensive policy and will be addressed as outlined in Section B of Policy 2.1200.

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, under Title IX: a complainant, as defined above; a parent, guardian or other authorized legal representative with the legal right to act on behalf of a complainant; or the college’s Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint: any student or

employee of Rend Lake College; or any person other than a student or employee who was participating or attempting to participate in the college's education program or activity at the time of the alleged sex discrimination.

To file a complaint, the complainant may fill out the electronic complaint form found on the college's website at www.rlc.edu/titleix-policy and check the "Sex-Based Harassment" box. Alternately, the complaint may be made in writing or orally by contacting the office of the Title IX Coordinator or a Deputy Coordinator.

The college may consolidate formal complaints as to allegations of sex discrimination 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 sex discrimination arise out of the same facts or circumstances.

The college will respond promptly and effectively to knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, and will comply with Title IX to address sex discrimination in that education program or activity.

The college will treat complainants and respondents equitably, and offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the college has initiated grievance procedures for a sex discrimination complaint, and if applicable a sex-based harassment complaint involving a student, or offered an informal resolution process to the respondent, the college will offer and coordinate supportive measures, as appropriate, for the respondent. The respondent is presumed not responsible for alleged sex discrimination until a determination is made at the conclusion of grievance procedures.

The college will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The college will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the college obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific

incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Upon initiation of Rend Lake College's Title IX grievance procedures, the college will notify the parties of the following:

- Rend Lake College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the college provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the college decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the college will notify the parties of the additional allegations.

Reasonably Prompt Timeframes for Major Stages of Grievance Procedures

A decision whether to dismiss or investigate a complaint will be made within two business days, or as soon as is practical based on availability of information. If an investigation is conducted, the college will endeavor to conclude the investigation within 30 days, contingent on availability of information, evidence and witnesses. Following the conclusion of the investigation, a determination regarding responsibility will be made within 14 days. Appeals from either party must be filed in writing within 14 days of the issuance of the written determination. Appeals will be decided within 15 days of the written notice of appeal.

The college may issue reasonable extension of these timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

Dismissal of a Complaint

Rend Lake College may dismiss a complaint of sex discrimination if:

- The college is unable to identify the respondent after taking reasonable steps to do so;
 - The respondent is not participating in Rend Lake College education program or activity and is not employed by the college;
 - The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, or the college determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven;
- or

- The college determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the college will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the college will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the college will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

When a complaint is dismissed, the college will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the college's education program or activity.

1. Informal Resolution Process for Sex Discrimination Complaints

If both parties agree in writing, a formal complaint may go through an informal resolution process. In this event, the college will provide both parties with a written notice including the allegations; the requirements of the informal resolution process; that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient's grievance procedures; that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from resuming or initiating grievance procedures arising from the same allegations; potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the college will maintain and whether and how the college could disclose such information for use in grievance procedures under Title IX if grievance procedures are initiated or resumed. The informal resolution process will follow that outlined in section B(1)(b) of this policy.

Informal resolution is not an option in an allegation of an employee sexually harassing a student, nor in instances in which sexual misconduct that constitutes sexual assault or sexual violence, or conduct constituting dating violence, domestic violence, or stalking, is alleged.

Informal resolution is not an option if the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with Federal, State or local law.

2. Formal Resolution Process for Sex Discrimination Complaints

Rend Lake College will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the college, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The respondent is presumed to be not responsible, and the preponderance of evidence standard will be used.

During the formal resolution process, the college will:

- Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;

- Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:
 - Provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the college provides a description of the evidence, it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
 - Provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
 - Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

The college will use the following process enabling the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

When a party's or witness's credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination, the investigator or decisionmaker will schedule and conduct individual meetings with the party or witness for the purpose of asking relevant and not otherwise impermissible questions. Each party may propose such questions to be asked by the investigator or decisionmaker, who will determine whether the questions are relevant and permissible prior to being posed. A recording or transcript will be provided to the parties with enough time, as determined by the decisionmaker or investigator, for the parties to propose follow-up questions. Questions which are unclear or harassing of the party being questioned will be prohibited.

3. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the college will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under this standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a complainant and other people the college identifies as having had equal access to its education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the college's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

4. Appeals

The college offers both parties an appeal from a determination regarding responsibility, and from dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and

The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome. If pursuing an appeal, a party must file notice of appeal within 14 days of the issuance of the written determination. Upon receiving notice of appeal, the college will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the college will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result. The Executive Vice President or President shall decide the appeal as soon as possible, but no later than 15 days after the final submission of appeal materials (or as soon as feasible when extensions are necessary). The decision shall be in writing, shall include an explanation, and shall be submitted to the Complainant, the Respondent, the appropriate Vice President, and the Title IX Coordinator, if necessary. This written decision on the appeal shall constitute the final administrative action of the College.

If any portion of this policy regarding Title IX processes conflicts with the provisions of Title IX of the Education Amendments Act of 1972, the provisions of Title IX will control.

D. Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents

Rend Lake College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. The following grievance procedures address complaints of sex-based harassment that involve a student party.

Grievance procedures for addressing sex-based harassment generally follow the procedures described in Section C above dealing with sex discrimination. Additional requirements to procedures pertaining to sex-based harassment are outlined below.

1. Complaints

The following people have a right to make a complaint of sex-based harassment under Title IX: a complainant, as defined above; a parent, guardian or other authorized legal representative with the legal right to act on behalf of a complainant; or the college's Title IX Coordinator. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

2. Written Notice of Allegations

In addition to the elements of written notice outlined in Section C above, written notice of sex-based harassment allegations will also include:

- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. If the college provides access to an investigative report, the parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party.

3. Dismissal of Complaints

In addition to the elements of dismissals of complaints outlined in Section C above:

- Complainant withdrawals of allegations of sex-based harassment must be submitted in writing.
- A complaint also may be dismissed if the respondent is not participating in Rend Lake College's education program or activity and is not employed by the college.
- Notification of a dismissal also will be provided in writing to the parties.

4. Informal Resolution

Informal resolution will follow the process outlined in Section C above.

5. Formal Resolution

In addition to the investigation and formal resolution elements outlined in Section C above:

- The college will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- The college will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to

be, an attorney. The college will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding, and may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

- The college will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.
- The college has discretion to determine whether the parties may present expert witnesses as long as the determination applies equally to the parties.

6. Witness or Party Credibility / Live Hearings

If the credibility of a witness or party is in question, the process for determining credibility will generally be through the interview process as outlined in Section C above.

a. Live Hearings

If both parties request a live hearing and the college determines it is a necessary option, a live hearing may be conducted. The live hearing will be conducted by a disciplinary committee formed by the college President and chaired by the appropriate Vice President or other designee of the President. The process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed in Section C; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed in Section C. Such questioning will never be conducted by a party personally. If the college permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, the college will provide the party with an advisor of the college's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the college will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions

The live hearing will be conducted with the parties physically present in the same geographic location or, at the college's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking. The college will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

7. Determination Whether Sex-Based Harassment Occurred

In addition to the determination elements outlined in Section C above:

- Written notification of the determination to the parties will be simultaneous and include:

- A description of the alleged sex-based harassment;
- Information about the policies and procedures the college used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the college will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the college to the complainant, and, to the extent appropriate, other students identified by the college to be experiencing the effects of the sex-based harassment; and
- The procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility becomes final either on the date that the college provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely (14 days after the written determination is issued).

8. Appeals, Supportive Measures, and Sanctions

Appeals will follow the process outlined in procedure Section C above. Supportive measures are defined in the Definitions section above. Disciplinary sanctions are as outline in Policy Section F above.

E. Procedure for Addressing Title IX Sexual Harassment Complaints (Prior to 8/1/2024)

NOTE: Due to changes in federal regulations, Rend Lake College must address any allegations of sexual harassment arising prior to August 1, 2024, under the policy which was in effect at that time. This section outlines those procedures.

A report of sexual harassment will first be investigated to determine if it falls under Title IX of the Education Amendments Act of 1972 (see the definition of Sexual Harassment – Title IX above). If the report does fall under Title IX, it will follow this separate process. If not, the matter may still be pursued as an alleged violation of the comprehensive policy and will be addressed as outlined in Section B of Policy 2.1200.

The college will respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, meaning a response that is not clearly unreasonable in light of the known circumstances.

The college will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures as defined above, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

PROCESS FOR FILING A FORMAL COMPLAINT – To file a formal complaint, the complainant may fill out the electronic complaint form found on the college's website at www.rlc.edu/titleix-policy and check the "Sexual Harassment" box. Alternately, the complainant

may make a formal complaint in person at the office of the Title IX Coordinator, by emailing the complaint to the Title IX Coordinator, or by mailing the formal complaint to the office of the Title IX Coordinator. Only the complainant or the Title IX Coordinator may file a formal complaint, which is required before a Title IX investigation can commence.

Upon receipt of a formal complaint, the college will provide to the parties known a written notice including:

- Notice of the grievance process, including the informal resolution process.
- Notice of the allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility will be made at the end of the grievance process.
- Notification that the parties each may have an advisor of their choice, who may be but is not required to be an attorney. If a party is not able to secure an advisor, the college will provide one at no cost to that party.

If, during the investigation, the college chooses to investigate any additional allegations against either the complainant or respondent, the college will send an amended notice.

Dismissals under Title IX

1. Under Title IX regulations, the college must dismiss sexual harassment complaints when the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this section even if proved, did not occur in the college's education program or activity, or did not occur against a person in the United States.
2. The college may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the college; or specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. If a formal complaint is dismissed for any of the above reasons, prompt notification of the dismissal and the reason for it will be sent to the parties. Dismissals of formal complaints under Title IX do not preclude the college from pursuing matters under the other sections of Policy 2.1200.

The college may consolidate formal complaints as to allegations of sexual harassment 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 harassment arise out of the same facts or circumstances.

1. Informal Resolution Process for Title IX Complaints

If both parties agree in writing, a formal complaint may go through an informal resolution process. In this event, the college will provide both parties with a written notice including the allegations; the requirements of the informal resolution process; any circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations, provided that at any time prior to agreeing to a resolution, any party has the right

to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. The informal resolution process will follow that outlined in section B(1)(b) of this policy.

Informal resolution is not an option in an allegation of an employee sexually harassing a student, nor in instances in which sexual misconduct that constitutes sexual assault or sexual violence, or conduct constituting dating violence, domestic violence, or stalking, is alleged.

2. Formal Resolution Process for Title IX Complaints

The formal resolution process will include a thorough, impartial investigation by a trained Title IX investigator. The investigation includes interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications or forms of evidence not protected by unwaived privilege.

The formal resolution process must include a live hearing, resulting in a determination of the respondent's responsibility. The respondent is presumed to be not responsible, and the preponderance of evidence standard will be used. The burden of gathering evidence and burden of proof is on the college.

During the formal resolution process, the college will:

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the college may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the 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, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the college will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The college will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

- Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

3. Live Hearings

The live hearing will be conducted by a disciplinary committee formed by the college President and chaired by the appropriate Associate Vice President or other designee of the President. As the decision maker, the committee chair cannot be the Title IX Coordinator nor the investigator. At the live hearing, each party's advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

At the request of either party, the college will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the chair will first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. It is strongly recommended that questions be submitted to the chair prior to the live hearing.

If a party does not have an advisor present at the live hearing, the college will provide, without fee or charge to that party, an advisor of the college's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

Complainants have rape shield protections, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

The college will create an audio or audiovisual recording, or transcript, of any live hearing, and will be made available for inspection or review by the parties.

4. Determination Regarding Responsibility

The decision-maker must issue a written determination regarding responsibility. The written determination must include:

- Identification of the allegations potentially constituting sexual harassment as defined by Title IX
- 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
- Findings of fact supporting the determination
- Conclusions regarding the application of the college's code of conduct to the facts

- 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 to the complainant. The range of potential sanctions can be found in Section B(2)(d) of Policy 2.1200
- The college's procedures and permissible bases for the complainant and respondent to appeal

The college will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the college provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

5. Appeals

The college offers both parties an appeal from a determination regarding responsibility, and from dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator, or decision-maker 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.

If pursuing an appeal, a party must file notice of appeal within 14 days of the issuance of the written determination. Upon receiving notice of appeal, the college will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker for the appeal is not the same person as the decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- Ensure that the decision-maker for the appeal has no conflict of interest and has been trained as required;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

The decision maker for the appeal will be designated by the college President. The decision maker will review the written statements of both parties, as well as any relevant evidence from the investigation. The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide that decision simultaneously to both parties. The decision will be issued within a reasonable time frame, generally within 15 days of the receipt of written statements from the parties.

If any portion of this policy regarding Title IX processes conflicts with the provisions of Title IX of the Education Amendments Act of 1972, the provisions of Title IX will control.

F. General Provisions

1. Administrative Responsibility

The Title IX Coordinator will have the lead responsibility for overseeing all aspects of this policy. The President and his designees will share the responsibility for the effective functioning of these procedures within their units.

When a complaint concerns a college administrative employee, the Office of the President shall be responsible for implementing the procedures described in this policy, and the final decision or concurrence shall rest with the President, or his or her designee.

2. Alteration of Procedure

The College can unilaterally initiate any and all steps under this policy and procedures when it learns, either directly or indirectly, that discrimination, harassment or retaliation is alleged to be taking or has taken place. The Title IX Coordinator may alter any of the requirements of these procedures, including extending timelines, provided that the alteration does not impair the ability of the complainant to bring a complaint or the respondent to defend himself or herself. Any substantive alterations of these procedures will be communicated to the pertinent parties.

3. Bystander Intervention

In instances of sexual assault, a bystander may be able to intervene and prevent harm to others. A bystander should notice and recognize the event as a risky situation, take responsibility for helping the situation, ask for assistance from other bystanders, call 911, record any details as soon as possible, and intervene in a safe and sensitive manner.

4. Confidentiality

Rend Lake College strives to maintain confidentiality to the greatest extent possible and may require those involved to maintain confidentiality, particularly when confidentiality is required to protect witnesses, prevent evidence from being destroyed, avert a threat that subsequent testimony would be fabricated, or prevent a cover-up. Information will be protected to the extent permitted by law. Complainants are advised, however, that confidentiality can only be respected insofar as it does not interfere with the College's obligation to investigate alleged or suspected violations of this policy and to take corrective action.

5. Conflict of Interest

A conflict of interest may arise if a participant, administrator, or investigator has a significant professional or personal involvement with the facts or the parties to a dispute. Any participant, administrator, or investigator, who has a conflict of interest in a dispute covered by these procedures, or a concern about a conflict on the part of another, shall report it to the President. The President shall decide how to address the situation. If there is a conflict of interest involving the President, the Chair of the Board of Trustees shall decide how to address the situation.

6. Supportive Measures / Interim Corrective Administrative Action

At any time after informal resolution or a complaint has been filed, and before final disposition of the dispute, the Title IX Coordinator may authorize supportive measures (in an alleged Title IX violation, in which such measures must be non-punitive and non-disciplinary; see above definition) or corrective/interim administrative action (in allegations of violations of other components of Policy 2.1200) to protect the best interests of the College. Rend Lake College

reserves the right to take any interim administrative action deemed appropriate and permissible by law, pending the outcome of an investigation or grievance, so long as such action is permitted by and taken in accordance with any other applicable disciplinary procedures. Other interim administrative action can include, but are not limited to, removing a student from campus or an employee from a particular work environment, modifying work or course schedules, and issuing a “no contact” order. In situations involving suspected or alleged sex-based harassment, sexual violence, domestic violence, dating violence, or stalking, the College also reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a “no contact” order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible and in accordance with any other applicable disciplinary procedures.

7. Days

All references to days mean calendar days unless specified otherwise.

8. Education and Awareness Programs

Rend Lake College is committed to continually educating and training the campus community about the various forms of discrimination and harassment and the procedures available to address complaints of discrimination and harassment. During new student orientations and as part of the First Year Experience (FYE) courses, students will be provided with Sexual Assault Awareness and Prevention training, safety tips and resources. Verbiage will be included on all College syllabi stating that sexual assault is not tolerated on campus and will provide the necessary contact information to report complaints. The College will utilize an email campaign each semester to remind students of the forms of prohibited conduct, consent, bystander intervention, and other resources available. Informational flyers will be placed in common student and staff areas.

The College will publish its policy and procedures on its website, and also will publish summarized versions in the Student Handbook and in the employee handbook, with reference to the complete policy and procedures on the website. New employees will be informed of the College’s policies and procedures as part of the New Employee Orientation and subsequent trainings held in conjunction with Faculty/Staff In-Service programs.

9. Exclusivity

Except as otherwise noted above, these procedures are intended to be the exclusive procedures used for all complaints alleging violations of this policy. However, these procedures shall not deprive students or employees of access to other appeal or problem-solving processes on campus, including those negotiated grievance procedures in collective bargaining agreements.

These procedures may be implemented irrespective of any criminal proceeding or administrative action pursued in accordance with applicable College policies.

10. Impartiality

Investigators, Title IX Coordinator(s) and decision makers do not function as advocates for complainants or respondents. Rather, they are designated to serve as problem solvers, fact finders or investigators as appropriate. Investigators and Title IX Coordinator(s) will inform complainants and respondents about other campus offices where they may seek support or advocacy.

In cases in which a complainant files his/her complaint with a federal or state agency while his/her complaint is pending with the Title IX Coordinator, the internal complaint may be terminated if it is determined that the College's ability to continue its inquiry or investigation in an impartial manner is compromised.

11. Imposition of Sanctions

The imposition of sanctions or discipline, if recommended, will proceed in accordance with state and federal statutes and relevant campus policy, rules and regulations.

12. Records

The reports and other records created or compiled under these procedures are to be generated, distributed and maintained as specified at the different steps. Records are not intended to become part of the official personnel files of the complainant or the respondent, although there are circumstances where this may be appropriate. Access to records is to be limited to the disputants and, on a need-to-know basis, to appropriate unit-level or campus-level administrators.

13. Representation

Any party to a dispute may be accompanied by an advisor of choice at any meeting that occurs under these procedures. If any party's advisor of choice at a meeting is to be an attorney, all participants must be informed at least three working days prior to the meeting. The investigator may request the advice of legal counsel at any time. An advisor or support person may not, however, stand in place of either the complainant or the respondent, or otherwise participate in the process.

14. Employees

If an employee leaves the college, the employee is encouraged to file a complaint relating to alleged discrimination and/or harassment occurring during that individual's employment with the college within 30 days following the employee's termination of employment from the college.

The procedures described in this document will apply to complaints against any and all Rend Lake College employees engaging in his/her professional capacity.