

 Methodist College UnityPoint Health	Page # 1 of 24	Section: A	Policy#: A-015
	Approval: <i>Laura L. Anderson</i>		Date: 11/2021 Review by: 11/2026
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	Policy/Revision Submitted by: OASIS		
<i>SUBJECT: Sexual Harassment and Grievance Procedures</i>			

Policy:

This policy provides guidelines for the reporting, investigation, and disposition of instances of such harassment.

Purpose:

In order to preserve the fundamental dignity and rights of all Methodist College employees or students or those seeking such status with the College, sexual harassment is prohibited. This policy details types of sexual harassment and the procedure for grievances.

General Information:

A. Scope

This Policy applies to Sexual Harassment that occurs within the College’s Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community.

This Policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the College’s Education Programs and Activities. This Policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College’s Education Programs and Activities, such as a study abroad program. Sexual Harassment that occurs either off-campus, in a private setting, and outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, or other College policies and standards if committed by an employee, including but not limited to the Employee-Student Relationships policy.

B. Definitions

- “Sexual Harassment” is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- “Quid Pro Quo Sexual Harassment” is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual contact.
- “Hostile Environment Sexual Harassment” is unwelcome conduct determined by reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College’s Education Programs and Activities.
- “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape
 - i. “Rape” is 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. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.

- ii. “Sodomy” is 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.
 - iii. “Sexual Assault with an Object” is using 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. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - iv. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, 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.
 - v. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 - vi. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.
- “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for their safety or the safety of others; or
 - ii. Suffer substantial emotional distress.
 - “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.
 - “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
 - “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
 - “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
 - “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
 - “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College’s Education Programs and Activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
 - “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College’s Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of

all parties implicated by a report or the College's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

- "Education Programs and Activities" refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs.

The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the College.

- C. Sexual Harassment and retaliation are contrary to the values of Methodist College, and it is the policy of the College to provide a workplace and learning environment free from unlawful and improper harassment by management, employees, students or any other third parties. Preventing sexual harassment and retaliation, as well as other disrespectful conduct, is the responsibility of all members of the Methodist College community.
- D. Sexual Harassment is considered a serious act of misconduct and will subject the perpetrator to corrective action, which may include without limitation mandatory training, or disciplinary action, which could include without limitation, suspension without pay or termination or expulsion. Similarly, Methodist College may modify or terminate its relationships with clients and vendors when their representatives engage in harassment in violation of this policy.
- E. Violations of this policy must be reported as soon as possible to designated personnel as stated in this policy. Every effort will be made to respond to reports of perceived prohibited conduct ("concerns") in an adequate, reliable, impartial and timely manner. If anyone feels that the College has not met its obligations under this policy, that person should contact the Title IX Coordinator.

Prohibited Conduct:

- A. In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position.
- B. Sexual Harassment: As part of the above-stated policy, no staff, student, faculty member or other individual participating in our College community may sexually harass another individual. Any of the following conduct on the basis of sex constitutes sexual harassment when occurring in the College's education program or activity in the United States:
 - Conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education

program or activity; or

- Sexual assault, dating violence, domestic violence, or stalking.
- Note: Please see policy A-103 for detailed grievance procedures regarding allegations of all other forms of harassment.

C. Some Forms of Prohibited Sexual Harassment

- Sexual violence/assault is a prohibited form of sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or due to use of drugs and/or alcohol. Some examples of sexual violence/assault include rape, sexual battery, and sexual coercion.
- The following crimes can also constitute sexual harassment when motivated by a person's sex:
 - i. Domestic Violence (referred to as "Domestic Battery" under Illinois criminal statutes). A person commits domestic battery if he or she knowingly without legal justification by any means: (1) causes bodily harm to any family or household member; (2) makes physical contact of an insulting or provoking nature with any family or household member. "Family or household members" include spouses, former spouses, parents, children, stepchildren, and other person related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who share or allegedly share a blood relationship through a child, persons who have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers. *See* 720 Ill. Comp. Stat. 5/12-0.1 and 5/12-3.2.
 - ii. Dating Violence. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Such a relationship is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.
 - iii. Stalking. Under 720 Ill. Comp. Stat. 5/12-7.3, a person commits stalking when he or she:
 1. Knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
 - a. Fear for his or her safety or the safety of a third person; or
 - b. Suffer other emotional distress.
 2. Knowingly and without lawful justification, on at least 2 separate occasions, follows another person or place the person under surveillance or any combination thereof and:
 - a. At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - b. Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.
 3. Previously has been convicted of stalking another person and knowingly and without lawful justification on one occasion:
 - a. Follows that same person or places that same person under surveillance; and
 - b. Transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

- iv. Domestic violence, dating violence, and stalking are violations of this policy even when such conduct is not motivated by sex.

D. Consent

- Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.
 - i. Silence or lack of physical or verbal resistance does not imply consent.
 - ii. If coercion, intimidation, threats, and/or physical force are used, there is no consent.
 - iii. Consent cannot be inferred from a person's manner of dress.
 - iv. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - v. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
 - vi. Consent to past sexual activity does not constitute consent to future sexual activity.
 - vii. Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. When consent is withdrawn, sexual activity must immediately stop.
 - viii. Being in a romantic relationship with someone does not imply consent to sexual activity. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act.
 - ix. Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).
 - x. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - 1. The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
 - 2. The individual is unconscious, asleep, or otherwise unaware that sexual activity is occurring;
 - 3. The individual is below the minimum age of consent in the applicable jurisdiction (17 years in Illinois); or
 - 4. The individual has a mental disability that impairs his or her ability to provide consent.
- If coercion*, intimidation, threats, and/or physical force are used, there is no consent; a person's lack of verbal resistance or submission resulting from the use or threat of force does not constitute consent.
- Coercion is direct or implied threat of danger, hardship, or retribution sufficient to persuade a reasonable person to engage in sexual activity in which they otherwise would not engage or to which they otherwise would not submit. Coercion is different from seductive behavior based on the type of pressure someone uses to get another to engage in sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's free will and ability to choose whether or not to engage in sexual activity. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive; once a person has made it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, you should be absolutely clear that they have changed their mind and are consenting before proceeding in sexual activity with them.
 - i. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual

situation, there is no consent. Warning signs of when a person may be incapacitated due to drug and/or alcohol use include slurred speech, falling down, passing out, and vomiting.

- ii. If a person is asleep or unconscious, there is no consent.
 - iii. A person who is underage in the applicable jurisdiction cannot provide consent to sexual activity.
 - iv. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - v. Consent to past sexual activity does not imply consent to future sexual activity
 - vi. Dressing in a certain manner does not constitute consent
 - vii. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another
 - viii. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- i. Decision-making ability
- ii. Awareness of consequences
- iii. Ability to make informed judgments
- iv. Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

E. Retaliation

- Methodist College prohibits retaliation against anyone for reporting discrimination, harassment or retaliation, assisting in making a complaint, cooperating in an investigation, or otherwise exercising their rights or responsibilities under this policy. The College also prohibits retaliation against anyone because he/she is closely associated with someone who reported, assisted, or cooperated with a discrimination, harassment or retaliation complaint or investigation.
- Methodist College will take strong responsive action if retaliation occurs. Retaliation prohibited by this policy includes, but is not necessarily limited to, disparaging comments, uncivil behavior, or other negative treatment. The exercise of rights protected under the First Amendment does not constitute retaliation. Persons who believe they have been retaliated

against in violation of this policy should make a complaint in the manner set forth in the next section. All institutional sanctions are available for those found to have engaged in retaliatory conduct, up to and including termination or expulsion.

Reporting Concerns of Prohibited Harassment and Retaliation:

- A. Methodist College takes reports of sexual misconduct seriously. How the College responds depends upon a variety of factors, including the wishes of the complainant, the facts and circumstances of the specific incident, to whom it was reported, and the College's obligations under applicable federal and state laws.
- B. Reports may be made by complainants, third parties, witnesses, or bystanders. There are various reporting and confidential disclosure options available to students and employees of the College community to enable them to make informed choices about where to turn should they experience sexual misconduct. This section provides information about options for disclosure and reporting an incident.
- C. **Electronic Reporting**
Anyone who has experienced conduct prohibited by this policy is encouraged to make a report. Those who have experienced such conduct should understand that some employees at the College, (those designated as "responsible employees" as indicated below), have an obligation to report concerns to the Title IX Coordinator or a Deputy Coordinator. Within 12 hours of receiving an electronic report, the College will respond to the reporter through verbal, written, or electronic communication.

Title IX Coordinator
Office of Student Affairs
309-282-8450
ReportTitleIX@methodistcol.edu

- D. **Anonymous and Third-Party Reporting**
The College encourages victims of sexual misconduct to talk to someone to ensure their health and wellbeing. The College provides anonymous reporting for victims who do not wish to be identified. Methodist College has anonymous reporting option through this link: [Anonymous Reporting](#)

Anonymous reports will be accepted by the College and supportive measures will be offered to complainants (if known), but a formal complaint cannot be submitted anonymously.

Visitors, bystanders, and third parties may make a report by contacting the Title IX Coordinator or a Deputy Title IX Coordinator.

- E. **Responsible Employees**
"Responsible employees" are those employees who are designated as "officials with authority to take corrective action". Employees who hold a title of "Dean", "Vice Chancellor of Academic Affairs", or "Chancellor" are considered responsible employees under this policy and must report conduct prohibited by this policy to the Title IX Coordinator or Deputy. All other employees who do not hold a title of "Dean", "Vice Chancellor of Academic Affairs", or "Chancellor" and who are not the Title IX Coordinator or Deputy may report conduct prohibited by this policy but are not required to do so unless requested by the reporter. These employees are encouraged to respect the wishes of the reporter and to always provide them with information on their reporting options.

Before a person reveals information that he/she may wish to keep confidential, a responsible employee should make every effort to ensure the person understands:

- The employee's obligation to report the names of the accused individual and person involved in the accused sexual violence as well as relevant facts regarding the accused incident (including the date, time and location) to the Title IX Coordinator or other appropriate school

official

- The person's option to request that the school maintain his or her confidentiality, which the school (e.g., Title IX Coordinator) will consider, and
- The person's ability to share the information confidentially with counseling, advocacy, mental health, or sexual-assault-related services.

Responsible employees are required to report all information, including the survivor/victim's name and incident details, to the Title IX Coordinator or Deputy.

F. Content of a Report and Timing

- So that the College has sufficient information, a report being made for purposes of an investigation should include as much information as possible, such as: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.
- The College encourages persons to make reports as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

G. Information Provided to the Complainant and Respondent

A complainant who makes a claim of sexual violence/assault, domestic violence, dating violence, or stalking to the College will be given a copy of the document titled "Rights and Options After Filing a Complaint Under the College's Sexual Harassment Policy." This document provides information about this policy and the procedures used to investigate and resolve complaints of this nature, possible supportive measures that maybe available, options for filing complaints with the local police, and resources that are available on campus and in the community, as well as other pertinent information. A person against whom a complaint has been filed will also be given similar information about the process and resources.

H. Conduct that Constitutes a Crime

Any person who wishes to make a complaint that also constitutes a crime—including sexual violence/assault, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

For more information regarding the option to pursue a criminal complaint, contact:

Peoria Police
600 SW Adams
Peoria, IL 61602
309-673-4521

Whether or not criminal charges are filed, the College will initiate an investigation as provided in this Policy where appropriate. The "Requesting Confidentiality to a Non-Confidential Source" Section below includes additional information regarding requests for confidentiality or requests that no investigation be conducted. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence or resume its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. The College also may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the College's fact-finding, provide regular updates on the status of the investigation and notify the parties when the College's fact-finding resumes. During this time period, the College

will take any additional measures necessary to protect and support the parties and the College community. The College's authority to sanction members of the College community applies only to the violation of College rules, policies, and procedures.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of Sexual Assault, Dating Violence, Domestic Violence, or Stalking under this Policy, criminal investigations or reports are not determinative of whether Sexual Assault, Dating Violence, Domestic Violence, or Stalking, for purposes of this Policy, has occurred. In other words, conduct may constitute Sexual Assault, Dating Violence, Domestic Violence, or Stalking under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

I. Amnesty

- The College recognizes that an individual who has engaged in behavior that may violate the College's Student Code of Conduct may be hesitant to report instances of sexual harassment, including sexual violence/assault. To encourage reporting, the College will grant immunity to any student who reports, in good faith, an alleged violation of this policy to the Title IX Coordinator or other employee. The reporting student will not receive a disciplinary sanction by the College for a conduct violation, such as under aged drinking, that is revealed in the course of such a report, unless the College determines that the violation was egregious, including without limitation, an action that places the health and safety of any other person at risk.
- Notwithstanding the College's commitment to amnesty in these situations, the College may require the reporting individual to attend a course or pursue other educational interventions related to alcohol and drug use. Further, this amnesty provision does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs or otherwise violated the law.

J. Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Violence, Dating Violence, and Stalking

If you are the victim of sexual violence/assault, domestic violence, or dating violence:

- Do not blame yourself. These crimes are never the victim's fault.
- Recommend you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.
- Do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order.
- Should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed.
- Clothes should not be changed.
- Write down as much as you can remember about the circumstances, including description of assailant. Save any electronic communications with the assailant.
- It is also important to take steps to preserve evidence in the form of letters, emails, text messages, social media posts, etc. These types of evidence are valuable in all situations, and they may be the only types available in instances of stalking.
- Contact a trusted person, such as a friend or family member for support.
- When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Medical forensic examinations are completed at no cost to the survivor.

The nearest emergency department is:		
UnityPoint Methodist:	221 NE Glen Oak Peoria, IL	309-672-4848
UnityPoint Proctor:	5409 N. Knoxville Peoria, IL	309-691-1000
UnityPoint Pekin:	600 S. 13th Street Pekin, IL	309-347-1151
OSF St. Francis:	530 NE Glen Oak Peoria, IL	309-655-2000

K. Confidential Reporting

The College recognizes that individuals who feel they have been victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking may require time and support in considering whether or how to participate in any College or law enforcement process. The College also recognizes that individuals who have been accused of Sexual Assault, Dating Violence, Domestic Violence, or Stalking may also require support. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

- On-Campus Confidential Advisors
 - Individuals wishing to obtain confidential assistance without making a report to the College may speak with one of the College's confidential advisors. Confidential advisors are available to discuss incidents or accusations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking with both Complainants and Respondents in confidence, and provide emotional support in a safe and confidential space.
 - Confidential advisors generally only report to the College that an incident is alleged to have occurred without revealing any personally identifying information.
 - Disclosures to confidential advisors **will not** trigger the College's investigation into an incident.
 - All of the College's confidential advisors shall receive forty hours (40) of initial training regarding sexual violence and participate in six (6) hours of annual continuing education thereafter. In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced or been accused of Sexual Assault, Dating Violence, Domestic Violence, or Stalking including:
 - Providing information regarding the individual's reporting options and possible outcomes, including making a report or a Formal Complaint under this Policy and notifying local law enforcement.
 - Providing information about available resources and services, including but not limited to services available on campus and through community-based resources such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services.
 - Providing information regarding orders of protection, no contact orders or similar lawful orders issued by the College or a criminal or civil court.
 - An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with applicable law.
 - Upon request and as appropriate, providing assistance in contacting campus officials, community-based sexual assault crisis centers, campus security, and/or local law enforcement; and/or
 - Upon request, providing assistance with securing Supportive Measures and accommodations.

- Confidential Resources in the Community
- The following off-campus agencies also employ individuals available to assist members of the College community with issues relating to Sexual Assault, Dating Violence, Domestic Violence, or Stalking in confidence. Disclosures to these entities *will not* trigger the College's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.
 - National Sexual Assault Telephone Hotline
800-656-HOPE (4673)
 - State of Illinois Domestic Violence Hotline
877-863-6338
 - Center for Prevention of Abuse
720 W. Joan Court
Peoria, IL 61614
800-559-7233 – 24-hour hotline

L. Process Once Complaint Is Made

Once a complaint of sexual violence/assault, domestic violence, dating violence, or stalking is made to the College, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College's policy and procedures for addressing this type of conduct
- Requesting further information about available resources

M. Bad Faith Reports

While the College encourages all good faith reports of concerns, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

N. Responsibilities of the Title IX Coordinator

The Title IX Coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator also assists the College community in understanding this policy, is available to answer questions about the policy, directs individuals to available resources both off campus and in the community, and ensures appropriate training and educational programming is implemented.

O. Other Matters Related to the Investigation of a Report

- Implementing Supportive Measures After a Report has been Filed
 - i. The College will provide supportive measures to the complainant party involved in the alleged incident whether the complainant decides to proceed with a formal complaint. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the respondent party while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. This may include counseling services, deadline extensions, modifications to work or class schedules, campus escorts, change in housing assignment, increased security monitoring, or mutual restrictions on contact.

- ii. Requests to change an academic, living, dining, transportation, or work situation, or for any other supportive measure (such as a no-contact order), should be made to the Title IX Coordinator. In the event such a measure is implemented, the College will maintain it as confidential to the extent that maintaining confidentiality would not impair the College's ability to provide it. The Title IX Coordinator will communicate with each party throughout the investigation to ensure supportive measures remain necessary and effective.
- If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator and MC Campus Safety. The College, in conjunction with Methodist Security, will take all reasonable and legal action to implement the order.

P. Investigation and Confidentiality

- All reported concerns will be promptly and thoroughly investigated in accordance with the Grievance Procedures, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. While the College cannot guarantee confidentiality, the College will not disclose the identity of the complainant or respondent, except as necessary to resolve the complaint or to implement supportive measures or when provided by State or federal law.
- In the event a complainant requests to remain anonymous or chooses not to file a formal complaint, the College will typically not investigate the allegation. However, the College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community.
- Note that certain types of sexual misconduct are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

Q. Resolution

If a reported concern is found to be substantiated, the College will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students and employees found to be in violation of this policy will be subject to discipline up to and including mandatory training, written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs and/or prevented from returning to campus. Remedial steps may also include counseling, academic, living, dining, transportation, or work accommodations, separation of the parties, and training for the respondent and other persons.

Grievance Procedure

These procedures apply to concerns raised by any member of the College community as well as others that participate in the College's programs and activities, including third-party visitors on campus.

A. Identifying the Investigator(s)

Once a formal complaint has been reported to the Title IX Coordinator, an investigation will be commenced. The Title IX Coordinator, or designee(s) appointed by the Title IX Coordinator, will lead the investigation and may consult with appropriate College officials and/or legal counsel as appropriate. If the Concern is with respect to conduct of the Chancellor of Methodist College, the investigation shall be coordinated and resolved by the Chair of the Board of Directors.

B. Preliminary Matters Regarding the Investigation

- After receiving a report under “Reporting Sexual Harassment,” the Title IX Coordinator will conduct a preliminary assessment to determine:
 - i. Whether the conduct, as reported, falls or could fall within the scope of this Policy (see “Scope”); and
 - ii. Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.
- The complainant must be participating in or attempting to participate in the education program or activity of Methodist College at the time the complaint is filed.
- All formal complaints will be investigated in an adequate, reliable, impartial and timely manner by the appropriate MC official. The goal is to have the investigation completed within sixty (60) calendar days. However, if the nature of the investigation requires a longer period of time, the complainant and the respondent will be given periodic updates concerning the status of the investigation. Parties will have equal rights during the investigation. Any real or perceived conflicts of interest between investigators or the decision-maker(s) and the parties should be disclosed. If an involved College official determines that he or she cannot apply the Grievance Procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to administer the procedures.
- The investigation will utilize the preponderance of the evidence standard; that is, whether it is more likely than not that the alleged conduct occurred.
- Both parties will have the opportunity to have an advisor accompany him or her at all stages of the process. If either party does not supply their own advisor one will be supplied free of charge by MC. The advisor will not take an active role in any interviews or meetings but will conduct the cross-examination on behalf of the complainant or respondent during the live hearing. The advisor must agree to maintain the confidentiality of the process. An advisor may be removed if he or she becomes disruptive, harasses or intimidates others involved in the process, or does not abide by the limitations discussed in the previous sentence. Additionally, the College is not required to allow a particular advisor to be involved in the process if it would cause undue delay of any meeting with the investigator. An advisor will be asked to sign an affirmation that he or she understands his or her role in the process.
- Some conduct covered by this policy may also constitute criminal conduct, and the complainant is encouraged, but not required, to file a report with the appropriate law enforcement authorities. If requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities under the law. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of complaint.
- A case will be dismissed if:
 - i. The conduct does not meet the definition of sexual harassment as defined in this policy
 - ii. The conduct did not occur in the College’s education program or activity
 - iii. The conduct did not occur in the United States, or
 - iv. The respondent is no longer employed and/or enrolled at Methodist College. Such a dismissal does not preclude action under another provision such as the student code of conduct and does not eliminate the complainant’s right to supportive measures.

C. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the College’s Education Programs and Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide

the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process (see “Investigation” and “Adjudication”).

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

D. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation procedure described below. The following standards apply to any informal resolution method that is utilized:

- The informal process can only be used with both parties’ voluntary cooperation after receiving a full disclosure of the allegations and their options for formal resolution, and with appropriate involvement by the institution (e.g., the Title IX Coordinator).
- The complainant will not be required to “work out” the problem directly with the respondent.
- Either party may terminate the informal process at any time prior to agreeing to a resolution and elevate the complaint to or continue with the formal investigation procedures described below.
- With the agreement of the parties involved and the College, a complaint may be informally resolved at any stage of these procedures.
- If informal resolution is reached, it will be documented in writing and signed by both parties. Because informal resolution is a voluntary and mutually agreeable process, a resolution reached via informal means cannot be appealed.
- Informal resolution is not an option to resolve allegations against an employee.

E. Initial Evaluation of the Complaint and Notification to the Parties

- When a report is made, the Title IX Coordinator (or designee) will meet with the complainant and evaluate whether the report falls within the scope of this policy. If it does not fall under the policy, the complainant will be so informed. In such situations, other college procedures may be applicable to the conduct complained of.
- If it is determined that the complaint is covered by the policy supportive measures will be immediately offered to the complainant. Prior to the commencement of the investigation, a prompt written notice will be provided to the respondent and complainant of the allegations constituting a potential violation of the policy, including identities of the parties involved, the specific section of the policy allegedly violated, the precise conduct constituting the potential violation, and the date(s) and location(s) of the alleged incident.
- In addition, the complainant and the respondent shall (i) receive notice of the individual(s) with authority to make a finding or impose a sanction at the conclusion of the investigation, (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, and (iii) receive notice of their right to an advisor of their choice. If either party does not have an advisor Methodist College will supply an advisor at no charge.
- Respondents are presumed not responsible under this policy until the conclusion of the grievance process.

F. Formal Investigation

- After the written notice has been sent to both parties, the investigator will commence an investigation of a complaint as soon as practicable, but not later than seven (7) calendar days

after the complaint is made. The purpose of the investigation is to gather information and collect evidence to be presented at the hearing. In certain narrow circumstances, the investigator may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the investigator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

- During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in "Sexual History." The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own. Throughout the investigation, the parties will receive written notice in advance of any meetings so that they have sufficient time to prepare for meaningful participation. The investigator will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.
- At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.
 - i. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.
- The preliminary written report will be updated with the parties' comments, if any, and will then be provided back to the parties at least ten (10) business days prior to the date of the hearing.
- Consolidation of Formal Complaints
 - i. 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. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

G. Hearing

- Both parties and all witnesses will be given written notice of the date and time of the hearing

at least ten (10) business days in advance.

- During the hearing each party's advisor will ask questions and cross-examine the witnesses and other parties. Individuals will be present using remote video technology so as to not be physically present in the same room.
- The Decision-maker(s) will determine if each question is relevant before the party gives their answer. If the question is deemed irrelevant the decision-maker(s) will supply the rationale.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) may rely on any statement of that party or witness in reaching a determination regarding responsibility.
- The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so.
- Once the hearing has concluded, the decision-maker(s) will draft a written report, which will include information regarding appeal rights, regarding responsibility with the findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent and whether remedies will be provided to the complainant. If the decision-maker(s) determines that a policy violation occurred, it, in consultation with other College officials as needed, shall set forth in the report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.
- Methodist College will simultaneously send the written determination to the complainant and the respondent including appeal rights within seven (7) calendar days of the hearing's conclusion.
- The decision shall be the final resolution of the matter subject only to the right of appeal set forth below.

Appeals from Decisions on Concerns

A. Basis for Appeal

Either the complainant or the respondent may appeal decisions on concerns, including corrective action if any.

- Grounds for appeal are as follows:
 - A procedural error occurred that affected the outcome of the matter.
 - New information exists that would substantially change the outcome of the finding.
 - Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.
 - The sanction is disproportionate with the violation.

B. Where and When to Bring an Appeal of a Concern

The complainant or respondent may appeal a decision, including corrective action if any, to the Chancellor of the College, or Chancellor's designee, within, ten (10) business days of receiving notification of the prior decision, absent extenuating circumstances. The decision of the Chancellor of the College is final.

In cases of resolution of a Concern against the Chancellor, complainant or respondent may seek reconsideration of the Chair of the Board's decision and the Chair may designate an individual or individuals to recommend a decision on reconsideration. The decision of the Chair's designee(s) on reconsideration is final.

Appeals must be in writing and contain the following information:

- Name, college address and e-mail address of complainant.
- Name, college address and e-mail address of respondent.
- A statement of all decisions, including corrective action if any, at all levels in the process.
- A detailed statement of the basis for the appeal including the specific facts and circumstances in support of the appeal.
- Requested action, if any.
- When a party files an appeal, the non-appealing party will be notified in writing that an appeal has been filed.

C. Review of the Appeal

- The College official (i.e., Chancellor or her/his designee) acting on the appeal may take any and all actions which in his/her discretion she/he determines are in the interest of a fair and just decision, including upholding, reversing, or modifying any decision or corrective action. The complainant or respondent may request a meeting with the College official. However, the decision to grant a meeting is at the discretion of the College official. If one party is allowed to meet with the College official, the other party will be granted a similar opportunity.
- The College official will make her/his decision and notify the complainant, respondent, underlying decision maker and others on a need-to-know basis in writing within seven (7) business days of receiving the appeal, including a notification of any changes made to the previous decision. If a decision within that time frame is not practicable under the circumstances, both complainant and respondent will be given periodic status reports until the decision on the appeal is rendered.

D. General Matters

- These procedures will be implemented by officials who receive a minimum of 8-10 hours of training on an annual basis on the issues related to discrimination, harassment, sexual violence/assault, domestic violence, dating violence, and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. The College shall have a sufficient number of individuals trained to resolve reports of concerns so that (i) a substitution can occur in the case of a conflict of interest or recusal and (ii) an individual or individuals with no prior involvement with the initial determination or finding hear any appeal brought by a party.
- As necessary and when applicable, the College will contact and cooperate with law enforcement in situations involving sexual violence/assault, dating violence, domestic violence, and stalking.
- Employees also are free to file a charge of discrimination regarding harassment with either the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC). A charge must be filed with the IDHR within 180 days of the unlawful harassment. A charge must be filed with the EEOC within 300 days of the unlawful harassment. In either case, the deadline for filing such a Charge runs from the last date of unlawful harassment. Complaints also may be made to the Office of Civil Rights in the U.S. Department of Education.
- IDHR offices are located in Springfield and Chicago and EEOC offices are located in Chicago. Please see appropriate postings or contact Human Resources if additional assistance in contacting either is needed.
- Because the College recognizes that the prevention of Sexual Harassment, including Sexual Assault, Domestic Violence, Dating Violence, and Stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions,

procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. The College's educational programming will comply with the Illinois Preventing Sexual Violence in Higher Education Act and any other applicable federal or state law. To learn more about education resources, please contact the Title IX Coordinator.

- The College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.
- Words used in this Policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.
- The College retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Equal Employment Opportunity Commission
500 West Madison Street, Suite 2800
Chicago, IL 60661
312-353-2713
800-669-4000
800-669-6820 TDD

Illinois Department of Human Rights
222 South College, Room 101 A
Springfield, IL 62704
217-785-5100
217-785-5125 TDD

Illinois Human Rights Commission
217-785-4350 Springfield, IL
312-814-6269 Chicago, IL
217-557-1500 TDD Springfield, IL
312-263-1579 TDD Chicago, IL

Office of Civil Rights
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-1100
800-421-3481
877-521-2172 TDD

This policy will be distributed widely within Methodist College. This policy can be found on the intranet for the benefit of its employees, students, clients and vendors. Methodist College will include this policy in its employee and student handbooks. This policy does not create any contract rights.

Appendix A

Reporting Options:

Title IX Coordinator
Methodist College
Office of Student Affairs

Campus Security
Methodist College
7600 N. Academic Drive
Peoria, IL 61615
309-672-4500

Peoria Police
600 SW Adams
Peoria, IL 61602
309-673-4521

Center for Prevention of Abuse
720 W. Joan Court
Peoria, IL 61614
800-559-7233 (24-hour hotline)

Other Resources:

Crisis and/or Suicide Hotline
855-837-4673

A trained helper is available 24 hours a day/7 day a week

Emergency Response Service
309-671-8084

Trained helpers can transport a person who is actively suicidal

DHS Family Community Resource Center in Peoria County

211 Fulton Street, #300

Peoria, IL 61602

309-671-8100

866-451-5763 TDD

“one stop” shop centers for cash and medical assistance, food stamps, and job services

Prairie State Legal Services

309-674-9831

Human Service CenterMental Health

600 Fayette Street

PO Box 1346

Peoria, IL 61603

309-671-8000

309-671-8084 (after hours crisis)

For emergency services, dial 911. Reports can be made to the following campus or local law enforcement agencies. You have the right to request assistance in notifying law enforcement authorities or requesting an order of protection, no contact order, restraining order, or other similar lawful orders issued by a criminal.