



# **Saint Anthony College of Nursing**

## **Annual Security Report**

**2017**



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## **INTRODUCTION**

Saint Anthony College of Nursing ("the College") is committed to creating and maintaining an atmosphere at the College in which the administration, faculty, students, staff, College Board and volunteers may work, interact and learn free of all forms of harassment, violence, exploitation or intimidation.

## **PREPARATION OF DISCLOSURE OF CRIME STATISTICS**

The Institutional Effectiveness/Assessment Specialist prepares the crime statistics report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <http://sacn.edu/documents/CrimeStats.pdf>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus, Guilford Square, Highland Community College and Sauk Valley Community College. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the designated campus officials (including but not limited to directors, deans, advisors to students, and student organization), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students that provides the web site to access this report. Faculty and staff receive similar notification. Copies of the report may also be obtained through the Institutional Effectiveness/Assessment Specialist. Potential students are provided a link to the ASR in correspondence that is sent out in response to their inquiry. A list of several items, including the ASR is provided to all potential employees, by email or as a handout at the time of their interview.



## CLERY REPORTING GEOGRAPHY DESCRIPTIONS

### On Campus

Definition: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls.

*For SACN, these locations include:*

| Through June, 2017  | After June, 2017   |
|---|--|
| SACN main building<br>5658 East State Street<br>Rockford, IL  | SACN main building<br>Health Sciences Center<br>3301 N. Mulford Road<br>Rockford, IL |
| Guilford Square site<br>698 Featherstone Dr.<br>Rockford, IL  | Guilford Square site<br>698 Featherstone Dr.<br>Rockford, IL                         |
| OSF Saint Anthony Medical Center<br>5666 East State Street<br>Rockford, IL  | N/A  |
| Parking areas:<br>OSF Illinois Neurological Institute parking lot (535<br>Roxbury Road)<br><br>OSF Saint Anthony Medical Center employee<br>parking lot | Parking Lots 3B and 4<br>Rock Valley College<br>3301 N. Mulford Road<br>Rockford, IL |

Over the summer of 2017, Saint Anthony College of Nursing moved its main campus from 5658 East State Street to the Health Sciences Center, 3301 North Mulford Road (both in Rockford) on the Rock Valley College campus. Anyone interested in seeing Rock Valley College’s ASR may do so at <http://www.rockvalleycollege.edu/About/RVCPD/upload/RVC-Annual-Security-Report-2016.pdf>.

### Non-Campus Buildings or Property

Definition: Any building or property owned or controlled by a student organization that is officially recognized the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*For SACN, this includes:*

Guilford Square (GS) site: 698 Featherstone Drive, Rockford, IL

*In addition, RN-to-BSN courses were offered at these locations, which constitute non-campus buildings:*

Highland Community College: 2998 W Pearl City Rd, Freeport, IL (through 2016)

Sauk Valley Community College: 173 Illinois Route 2, Dixon, IL (through 2016)

## **Public Property**

Definition: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## **DEFINITIONS OF CLERY ACT REPORTABLE CRIMES**

### **Criminal Offenses**

#### Criminal Homicide

1. **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
2. **Manslaughter by Negligence:** The killing of another person through gross negligence.

#### Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

1. **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
2. **Fondling:** 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 incapacity.
3. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

#### Other Crimes

1. **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
2. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
3. **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
4. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
5. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## Hate Crimes

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the *Clery Act*, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

Hate crime offenses may include any of the above-mentioned crimes as well as:

1. **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
2. **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## VAWA (Violence Against Women Act) Offenses

1. **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 reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
2. **Domestic Violence:** A felony or misdemeanor crime of violence committed by (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
3. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress.

## **Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws**

Arrest for *Clery Act* purposes is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

1. **Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
2. **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
3. **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## **Unfounded Crimes**

A crime is considered unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. If a crime is unfounded, it will not be included in the Clery Act statistics for the associated crime category, and it will be removed from any previously reported statistics for the crime category.

## **Retrieval of Crime Statistics**

The following sources were consulted in order to compile SACN's crime statistics:

SACN Associate Dean for Support Services  
Rock Valley College Campus Police (2017)  
Rockford Police Department  
OSF Saint Anthony Medical Center Security Supervisors  
Highland Community College Vice President of Administrative Services (2016)  
Sauk Valley Community College Dean of Inst. Research, Marketing & Security Dept. (2015-16)

**SACN CRIME STATISTICS**

| Type of Offense                     | On-Campus  |      |      | Non-Campus |      |      | Public Property |      |      |
|-------------------------------------|--|------|------|------------|------|------|-----------------|------|------|
|                                     | 2015   | 2016 | 2017 | 2015       | 2016 | 2017 | 2015            | 2016 | 2017 |
| <b>Criminal Homicide</b>            |  |      |      |            |      |      |                 |      |      |
| Murder/Non-negligent Manslaughter   | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Manslaughter by Negligence          | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Sex Offenses</b>                 |  |      |      |            |      |      |                 |      |      |
| Rape                                | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Fondling                            | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Incest                              | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Statutory Rape                      | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Other Offenses</b>               |  |      |      |            |      |      |                 |      |      |
| Robbery                             | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Aggravated Assault                  | 1  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Burglary                            | 0  | 0    | 2    | 0          | 0    | 0    | 0               | 0    | 0    |
| Motor Vehicle Theft                 | 1  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Arson                               | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>VAWA Offenses</b>                |  |      |      |            |      |      |                 |      |      |
| Dating Violence                     | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Domestic Violence                   | 1  | 8    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Stalking                            | 2  | 0    | 1    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Arrests</b>                      |  |      |      |            |      |      |                 |      |      |
| Weapons: Carrying, Possessing, etc. | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Abuse Violations               | 1  | 3    | 3    | 0          | 0    | 0    | 0               | 0    | 0    |
| Liquor Law Violations               | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Disciplinary Actions</b>         |  |      |      |            |      |      |                 |      |      |
| Weapons: Carrying, Possessing, etc. | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Abuse Violations               | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Liquor Law Violations               | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Hate Crimes</b>                  | There were no hate crimes reported in 2015, 2016, or 2017. |      |      |            |      |      |                 |      |      |
| <b>Unfounded Crimes</b>             | There were no unfounded crimes in 2015, 2016, or 2017.     |      |      |            |      |      |                 |      |      |

Note. SACN does not have on-campus student housing facilities, so that column is not included in this table.

## **ISSUING TIMELY WARNINGS**

In the event that a situation arises, either on or off campus, that, in the judgment of the President or his/her designee, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail and texting system to students, faculty, and staff.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the President or his/her designee may also post a notice on the campus-wide electronic bulletin board on MoodleRooms, providing the university community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to the President’s office, by phone (815-395-5090) or in person at the main campus front desk.

Saint Anthony College of Nursing will be working with Rock Valley College (RVC) Campus Police over the next several months to coordinate efforts in the event of an emergency. If such an event did occur on the RVC Campus, both SACN and RVC would be responsible for seeing to it a timely warning was issued to their own set of students. SACN will continue to monitor and address any concerns that occur on our non-campus facilities (Guilford Square).

## **VOLUNTARY CONFIDENTIAL REPORTING**

A student who is a victim of a crime and does not want to pursue action within the College system may still want to consider making a confidential report. With the student’s permission, the Associate Dean Support Services can file a report on the details of the incident without revealing the student’s identity. The purpose of a confidential report is to comply with the student’s wish to keep the matter confidential, while taking steps to ensure the future safety of others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### **Limited Voluntary Confidential Reporting**

The College encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the College cannot hold reports of crime in confidence.

## **SECURITY AND ACCESS**

Highland Community College, Sauk Valley Community College and Rock Valley College are open to the public, based on their specific academic calendars and class schedules. Saint Anthony College of Nursing (SACN) is open during class times with additional times for study and library/support services access. Entrance into closed facilities for SACN require key code, access cards or specific keys.

## **POLICY AGAINST SEXUAL MISCONDUCT, DOMESTIC AND DATING VIOLENCE, AND STALKING**

Sexual misconduct, like unlawful harassment on the basis of race, age, disability, religion or any other protected class, is a form of discrimination expressly prohibited by law. Sexual misconduct is a violation of Title VII of the Civil Rights Act of 1964, of Title IX of the Education Act Amendments of 1972, and of the Illinois Human Rights Act. The College will not tolerate, condone or subject anyone to such misconduct. In addition to being illegal, sexual misconduct violates the dignity of the individual and the integrity of the College as an institution of learning.

Likewise, the College does not tolerate domestic violence, dating violence or stalking, regardless of whether these acts are based on an individual's sex. Domestic violence, dating violence and stalking are crimes in Illinois and are subject to criminal prosecution.

Academic freedom can exist only when each person is free to pursue ideas in a non-threatening, non-coercive atmosphere of mutual respect. The College is therefore committed to fully investigating and addressing any instances of sexual misconduct, domestic or dating violence and stalking of which it receives notice. Students perpetrating such acts will be subject to disciplinary action, up to and including expulsion. And, employees perpetrating such acts will be subject to disciplinary action, up to and including termination.

Accordingly, the College has adopted the following policy (hereinafter referred to as the "Policy").

### **JURISDICTION**

This Policy applies to everyone who is a part of the College community, including students, employees, visitors, volunteers and contractors, regardless of sex, sexual orientation or gender identity. It includes conduct occurring on campus, as well as conduct occurring off-campus that is related to the College's programs or activities, or which may create a hostile environment on campus or in a College program or activity.

### **NOTE ON TERMINOLOGY**

Throughout this Policy, the term "victim" is often used to denote an individual who is alleged to have been victimized by sexual misconduct, domestic or dating violence or stalking. Likewise, the term "perpetrator" is, at times, used to denote the individual alleged to have engaged in one of these acts. The use of these terms is consistent with the language of the Violence Against Women Reauthorization Act of 2013 and should not be construed as a pre-judgment as to whether a violation of this Policy occurred.

It should further be noted that this Policy uses the umbrella term "sexual misconduct" to encompass a range of conduct, including sexual harassment, sexual assault and sexual exploitation. By using the term "misconduct," the College does not intend to diminish the serious nature of any type of sexual harassment, violence or exploitation.

Finally, the term "employee" is used throughout this Policy and is intended to include all faculty members, administrators, staff and other employees of the College.

## PROHIBITED CONDUCT

### Sexual Assault

#### What Is Prohibited

No person may engage in *sexual assault*.

#### Definitions

##### Sexual Assault

“Sexual assault” is actual or attempted sexual contact with another person without that person’s *consent*. Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s *consent*; or
- Other intentional sexual contact with another person without that person’s *consent*; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s *consent*; or
- Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s *consent*.

##### Consent (Applicable to Sexual Assault)

“Consent” must be informed, voluntary and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threat or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. Evidence of a prior consensual dating relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

### Sexual Exploitation

#### What Is Prohibited

No person may engage in *sexual exploitation*.

#### Definitions

##### Sexual Exploitation

“Sexual exploitation” occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s *consent*. Examples of behavior that could rise

to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts or nakedness without that person's *consent*;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not *consent* to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's *consent*, and for the purpose of arousing or gratifying sexual desire.

### **Consent (Applicable to Sexual Exploitation)**

"Consent" must be informed, voluntary and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to a particular activity with another person does not imply ongoing future consent with that person or consent to that same activity with another person. Evidence of a prior consensual dating relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

## **Sex-Based Harassment**

### **What Is Prohibited**

No person may engage in *sex-based harassment* that creates a *hostile environment* in or under any program or activity of this College.

No person who is an employee or agent of this College (including a student employee) may condition a decision or benefit on a student's or employee's submission to *sex-based harassment*.

### **Definitions**

#### **Sex-Based Harassment**

"Sex-based harassment" includes *sexual harassment* and *gender-based harassment*.

#### **Sexual Harassment**

"Sexual harassment" is *unwelcome* conduct of a sexual nature, including, but not limited to, *unwelcome* sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a

sexual nature, including *sexual assault* and *sexual exploitation*. In addition, depending on the facts, dating violence, domestic violence and stalking may also be forms of sexual harassment.

### **Gender-Based Harassment**

“Gender-based harassment” is *unwelcome* conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression and nonconformity with gender stereotypes.

#### **Unwelcome**

Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet) or other conduct that may be physically threatening, harmful or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that the person welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

#### **Hostile Environment**

A “hostile environment” exists when *sex-based harassment* is sufficiently serious to deny or limit a person's ability to participate in or benefit from the College's programs or activities. A hostile environment can be created by anyone involved in a College's program or activity (e.g., employees, students, campus visitors, etc.).

In determining whether *sex-based harassment* has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was *unwelcome* to the person who was harassed. But the College will also need to find that a reasonable person in the person's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a person or persons, the College considers a variety of factors related to the severity, persistence or pervasiveness of the *sex-based harassment*, including: (1) the type, frequency and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected one or more person's education or employment.

The more severe the *sex-based harassment*, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the *sex-based harassment* is not particularly severe.

## Sexual Harassment by Higher Education Representative

### What Is Prohibited

No *higher education representative* may make any *unwelcome* sexual advances or requests for sexual favors to a student.

No *higher education representative* may exhibit any conduct of a sexual nature toward a student, when such conduct has the purpose or effect of substantially interfering with the student's educational performance or creating an intimidating, offensive or *hostile educational environment*.

No *higher education representative* may exhibit any conduct of a sexual nature toward a student when the *higher education representative* either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for, determining any *academic decision*.

### Definitions

#### Higher Education Representative

A "higher education representative" includes the president, chancellor or other holder of any executive office on the administrative staff of an institution of higher education, and any member of the faculty of an institution of higher education, including, but not limited to, a dean or associate or assistant dean, a professor or associate or assistant professor and a full- or part-time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full-time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through an institution of higher education.

#### Unwelcome

Conduct is considered "unwelcome" if the person did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet) or other conduct that may be physically threatening, harmful or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that the person welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

#### Hostile Educational Environment (Applicable to Sexual Harassment by Higher Education Representative)

A "hostile educational environment" includes conduct which is severe or pervasive and which is objectively and subjectively offensive. Conduct is objectively offensive if a reasonable person would find such conduct to be egregious. Factors that will be considered when determining if an environment is objectively offensive include the frequency and severity of the conduct, whether it is humiliating or physically threatening and whether it unreasonably interferes with the student's educational performance.

### **Academic Decision**

An "academic decision" includes, but is not limited to:

- Whether the student will be admitted to an institution of higher education;
- The educational performance required or expected of the student;
- The attendance or assignment requirements applicable to the student;
- The courses, fields of study or programs, including honors and graduate programs, to which the student will be admitted;
- The placement or course proficiency requirements that are applicable to the student;
- The quality of instruction the student will receive;
- The tuition or fee requirements that are applicable to the student;
- The scholarship opportunities that are available to the student;
- The extracurricular activities the student will be a member of ;
- The grade the student will receive in any examination or in an course or program of instruction in which the student is enrolled;
- The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; and
- The degree, if any, the student will receive.

### **Domestic and Dating Violence**

#### **What Is Prohibited**

No person shall engage in *domestic violence* or *dating violence* against any member of the College community, including students, employees, visitors, volunteers and contractors.

#### **Definitions**

##### **Domestic Violence**

The term "domestic violence" includes *physical abuse* committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois; or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

##### **Dating Violence**

The term "dating violence" includes *physical abuse* committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

##### **Physical Abuse**

"Physical abuse" includes, but is not limited to:

- Sexual abuse;
- Knowing or reckless use of physical force, confinement or restraint;
- Knowing, repeated and unnecessary sleep deprivation; and
- Knowing or reckless conduct which creates an immediate risk of physical harm.

## **Stalking**

### **What Is Prohibited**

No person shall engage in the *stalking* of any member of the College community, including students, employees, visitors, volunteers and contractors.

### **Definition Stalking**

"Stalking" is a course of conduct (i.e., a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct) directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim and/or threaten her or his safety, mental health or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts or any other communications that are undesired and place another person in fear;
- Use of online, electronic or digital technologies, including:
  - Posting of pictures or information in chat rooms or on Web sites
  - Sending unwanted/unsolicited email, text messages or talk requests
  - Posting private or public messages on Internet sites, social networking sites and/or school bulletin boards
  - Installing spyware on a victim's computer
  - Using Global Positioning Systems (GPS) to monitor a victim;
- Pursuing, following, waiting or showing up uninvited at or near a residence, workplace, classroom or other places frequented by the victim;
- Surveillance or other types of observation including staring, "peeping";
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, and/or co-workers;
- Threats to harm self or others, including pets; and
- Defamation – lying to others about the victim.

### **Retaliation Prohibited**

The College prohibits retaliation of any kind (including intimidating, threatening, coercing or in any way discriminating) against those who file a complaint or third-party report of a violation of this Policy or who otherwise participate in the investigative and/or disciplinary process.

The College will take strong responsive action, up to and including expulsion or termination of employment, if retaliation occurs.

### **Intimidation Prohibited**

The College prohibits intimidation of any kind against any member of the College community with the purpose or intent of: preventing that person from reporting a violation of this Policy; causing that person to withdraw a complaint or recant a statement related to the violation of this Policy; or discouraging participation in the College's investigative and/or disciplinary process.

The College will take strong responsive action if such intimidation occurs.

### **"Prohibited Acts" Defined**

Throughout this Policy, all of the underlined acts above shall be referred to as "Prohibited Acts."

### **Note on First Amendment Rights**

This Policy does not impair the exercise of rights protected under the First Amendment. The College applies and enforces this Policy in a manner that respects the First Amendment rights of students, employees and others.

## **COMPLAINT AND ADJUDICATION PROCEDURE**

### **Right to an Advisor**

At all times during the complaint, investigation and adjudication process, the complainant and respondent each have the right to have an advisor present. This advisor can be anyone of the party's choosing, other than a member of the Title IX Team, who has agreed to serve that function, including an advocate, attorney, friend or family member. However, this advisor may not participate in the College's investigation or adjudication process other than by providing the party with advice and/or support.

### **Reporting Procedures**

Any member of the College community who has been a victim of sexual misconduct, domestic or dating violence or stalking has a number of reporting options.

### **Formal Reporting to College**

Prohibited Acts may be reported to the College by notifying any employee of the College, including the Title IX Coordinator. Nancy Sanders, the Title IX Coordinator, may be reached by phone at (815) 282-7900 X27611, by email at [Nancy.A.Sanders@osfhealthcare.org](mailto:Nancy.A.Sanders@osfhealthcare.org), or in person in Room 3216.

All employees of the College are required to notify the Title IX Coordinator of any notice they receive of a Prohibited Act while acting as employees of the College.

It should be noted that the College employs health care providers and priests as faculty members. Though discussions with these individuals outside the College, when they are providing health care services or pastoral counseling, may be confidential, any notice they receive of a Prohibited Act while they are acting as employees of the College will be reported to the Title IX Coordinator.

All such reports of Prohibited Acts will be investigated by the College as set forth in Section 0 "Investigation Procedures" on page 14 of this Policy.

### **Formal Reporting to Law Enforcement**

Reports to law enforcement may also be made at any time, regardless of whether a report has been made to the College. The Rockford Police Department can be contacted at any time at (815) 966-2900, Rock Valley College (RVC) Campus Police may be reached at (815) 921-4357 (Emergency) or (815) 921-4350 (Non-emergency). A list of other law enforcement agencies and support groups can be found in the "Know Your Rights" brochure.

Reports to law enforcement will not automatically be shared with the College by the police; therefore, if a victim of a Prohibited Act wishes for the College to also investigate the matter, s/he should also make a report to the College. If a court approved restraining order is issued, a copy should be filed with the associate dean and the RVC Campus Police.

### **Privileged or Confidential Disclosures**

The College encourages victims of Prohibited Acts to talk to somebody in order to get the support they need. Regardless of whether a victim wishes to make a report to the College and/or law enforcement, a number of resources are available for confidential or privileged discussions regarding Prohibited Acts.

### **Third-Party Reporting**

Anyone can report a Prohibited Act to the College, regardless of whether the person making the complaint was the victim of the Prohibited Act. Third-party reports may be made to any employee of the College, including the Title IX Coordinator..

### **Anonymous Reporting**

Anyone, including a victim, can make an anonymous report of a Prohibited Act to the College by contacting the Title IX Coordinator and requesting to make an anonymous report. The complainant may request that this report be kept confidential and/or not be investigated by the College. If an individual discloses a Prohibited Act to the College but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted, the College, through the Title IX Coordinator, must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

### **Amnesty**

Any individual participating in the investigation or adjudication of a complaint involving an alleged Prohibited Act (including the complainant, respondent and witnesses) will be given amnesty from any student conduct policy of the College, including the College's drug and alcohol policy, for all acts discovered during the course of the College's investigation that are materially relevant to the Prohibited Act being investigated or adjudicated.

For example, should the College learn during an investigation into a reported sexual assault that the complainant and respondent were both violating the College's alcohol policies at the time of the incident, the College will grant amnesty to both complaint and respondent for that particular violation of the alcohol policy.

This grant of amnesty is intended to encourage open and honest reporting of information needed for the College to fully and fairly investigate allegations of Prohibited Acts.

### **Interim Safety and Accommodative Measures**

Once the College has notice of a potential Prohibited Act, it will immediately seek to ensure that the complainant is safe and is being provided the resources that are needed, regardless of whether the victim wishes to make a formal complaint and/or participate in the College's investigation.

The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. The College will:

- Assist the victim in accessing available victim advocacy, academic support, counseling, disability, health or mental health services and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments to assignments or tests; and
- Inform the victim of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

Because the College is under a continuing obligation to address Prohibited Acts campus-wide, reports of Prohibited Acts (including non-identifying reports) will also prompt the College to consider broader remedial action, such as: increased monitoring, supervision or security at specific locations; increased education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

### **Investigation Procedures**

The College's Title IX Coordinator is responsible for overseeing the College's response to reports and complaints of Prohibited Acts.

Unless a complainant specifically requests that an investigation not take place, the Title IX Coordinator will order and oversee an investigation into any reports of Prohibited Acts. Should the complainant request that no investigation be performed, the Title IX Coordinator will exercise best efforts to comply with that request; however, should the nature of the facts known suggest an ongoing threat to the complainant or the campus community or otherwise demonstrate a compelling need to proceed with an investigation, the Title IX Coordinator may proceed with an investigation despite the complainant's request to the contrary.

Should the complainant wish to make a formal complaint but also request that her/his identity remain confidential, the ability of the College to investigate her/his complaint may be limited.

The Title IX Coordinator will choose an investigator to investigate alleged Prohibited Acts on a case-by-case basis. Any such investigator will be trained and qualified to perform investigations into the specific type of Prohibited Act being alleged and will be neutral and impartial. Investigations will be thorough and prompt. They will likely include interviews with the complainant, respondent and witnesses, and the gathering, review and analysis of relevant evidence. Investigations will be conducted with utmost attention to maintaining the privacy of complainants and respondents.

Consistent with the College's mission and values, the complainant and respondent will be provided equitable rights and will be treated fairly and respectfully throughout the investigation. Both complainant and respondent will receive notice of any formal investigation conducted in order to give both parties the opportunity to offer their accounts, provide names of witnesses and offer any other relevant evidence to the investigator. The College will not hold any hearing or quasi-judicial proceeding on these matters other than the investigation itself.

At the conclusion of the investigation, the investigator will provide a written report to the Title IX Coordinator setting forth her/his findings of fact and an opinion as to whether a Prohibited Act occurred. The investigator will use the preponderance of the evidence standard when making findings of fact and determining whether a Prohibited Act occurred. A "preponderance of the evidence" means that a particular finding is more likely than not (i.e., is supported by the greater weight of the credible evidence).

When weighing the evidence in a sexual misconduct matter, the investigator shall not take into account evidence regarding the complainant's previous sexual behavior with persons other than the respondent if such evidence is presented for the purpose of disparaging the complainant's character or suggesting that it is more likely than not that the complainant would have consented to the act(s) at issue.

#### **Adjudication Procedures**

Upon receipt of the investigator's report, the Title IX Coordinator will meet with the College's Title IX Team, which will review the report and determine whether to adopt the findings of the investigator. Any member of the Title IX Team having a conflict of interest with respect to any party to the complaint that might cause a reasonable person to question her/his objectivity shall recuse her/himself from the adjudication of the particular matter.

Neither the parties nor their advisors are entitled to be present during the meetings of the Title IX Team. The Title IX Team will conclude that a Prohibited Act occurred only if it finds that such a conclusion is supported by a preponderance of the evidence.

In the event the Title IX Team concludes that a Prohibited Act occurred, it will determine the appropriate responsive action to be taken, which may include remedies and/or accommodations to the victim, remedies to the College community and sanctions for the person found in violation. Remedies to the victim may include, but are not limited to: continuation of interim measures, issuance of no-contact orders, allowing a student to withdraw from or retake a class without penalty, providing access to tutoring and providing access to counseling. Remedies to the College community may include, but are not limited to: training and educational programs, and implementation of additional safety or security measures. Sanctions against the respondent may include, but are not limited to: no-contact orders, suspension, expulsion, demotion and termination of employment, as applicable.

If the victim wishes, an appropriate responsive action may be mediation between the parties, facilitated by the College. However, mediation is not appropriate and will not be used if there has been a finding of that a sexual assault occurred.

The Title IX Coordinator shall provide simultaneous written notice to the complainant and respondent of its conclusions and responsive actions, options and procedures for appeal, any changes to the

result and when such results become final. For purposes of this Policy, "simultaneous" shall mean as close together in time as reasonably possible without requiring the complainant and respondent to be physically present in the same place at the same time.

The College will not require a party to abide by any nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the adjudication.

### **Appeal Procedures**

Either the complainant or respondent may appeal the Title IX Team's conclusions, sanctions or other responsive actions to the President of the College in writing within five (5) business days of receiving written notice of those conclusions and responsive actions from the Title IX Coordinator. However, an appeal may only be made on the following grounds:

- That a member of the Title IX Team had a conflict of interest that should have precluded him/her from participating in the adjudication.
- That additional relevant information has become available that was not considered by the investigator and/or Title IX Team.
- That the investigation and/or adjudication procedures set forth in this Policy were not followed by the investigator and/or Title IX Team.

- 

Upon receipt of an appeal, the President of the College will either reject or accept the appeal within five (5) business days. The President of the College will use the preponderance of the evidence standard when considering the appeal.

Any rejection of an appeal by the President of the College shall be final.

In the event the President of the College accepts the appeal, s/he shall send the matter back to the Title IX Team with one of the following instructions: 1) that a member or members of the Title IX Team recuse her/himself; 2) that the Title IX Team send the matter back to the investigator for consideration of additional evidence; or 3) that the Title IX Team and/or investigator comply with the investigation and/or adjudication procedures set forth in this Policy, specifying what procedures have not been properly followed, and reconsider the matter using the proper procedures.

### **Timeframe**

The College will strive to resolve any matter falling under this Policy within sixty (60) days of receiving notice of a Prohibited Act, including investigation, adjudication and appeal.

## **OPTIONS FOR ASSISTANCE**

### **Options for Assistance Following a Sexual Assault or Other Prohibited Act**

The College is committed to providing assistance to any member of the College community who is a victim of sexual misconduct or other Prohibited Act.

### **What to Do If You Are the Victim of Sexual Assault**

In the immediate aftermath of a sexual assault, the most important thing is for the victim to get to a safe place. Whether it be the victim's home, a friend's home or with a family member, immediate safety is what matters most. When a feeling of safety has been achieved, it is vital for the victim to

receive medical attention, and strongly recommended for the victim to receive a forensic examination.

DNA evidence is an integral part of a law enforcement investigation that can build a strong case to show that a sexual assault occurred and to show that the defendant is the source of any biological material left on the victim's body. Victims should make every effort to save anything that might contain the perpetrator's DNA and should not:

- Bathe or shower;
- Use the restroom;
- Change clothes;
- Comb hair;
- Clean up the crime scene; or
- Move anything the perpetrator may have touched.
- 

Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

### **Resources for Immediate Assistance**

The resources below are available to anyone who has been the victim of sexual assault or any other Prohibited Act.

#### **Title IX Coordinator**

At the College (main campus and GS), the Title IX Coordinator, Nancy Sanders, can be contacted at 815/282-7900 X27611 at any time to assist a victim in connecting with trained advocates and counselors who can provide an immediate response in a crisis situation, regardless of whether the victim wishes to make an official report or participate in the institutional disciplinary or criminal process.

The Title IX Coordinator can also provide assistance in contacting law enforcement, should the victim wish to do so. The victim has the right to decline to report to law enforcement.

And, the Title IX Coordinator can provide information to the victim about obtaining a no-contact order against the perpetrator, issued by a court. This option is available to the victim regardless of whether s/he wishes to make a formal complaint with the College or report the matter to law enforcement.

#### **Employee Assistance Program (Available to Students Also)**

The College's free and confidential Employee Assistance Program is available to both students and employees 24 hours per day, 7 days per week. This program provides individuals with the services of licensed professionals, including counselors and legal consultants, at no charge to the victim.

- OSF HealthCare Employee Assistance Program (800) 433-7916

### **Off-Campus Advocates and Counselors**

Immediate confidential assistance from off-campus advocates and counselors can be obtained from the following resources:

- [Rockford Sexual Assault Counseling, Inc.](#) (sexual assault resources)  
(815) 636-9811  
(800) 564-8441  
4990 E. State Street Rockford, IL 61108
- [Remedies Renewing Lives](#) (domestic/dating violence resources)  
(815) 962-6102  
220 Easton Parkway  
Rockford, IL 61102

### **Law Enforcement**

Regardless of whether a victim of sex-based harassment, sexual assault, sexual exploitation, domestic or dating violence or stalking wishes to make a report to the College, the option to report to local law enforcement is always available. Assistance can be obtained from law enforcement as follows:

- [Rock Valley College Campus Police](#)  
Emergency: (815) 654-7357  
Non-Emergency: (815) 921-4350  
3301 N. Mulford Road  
Rockford, IL 61114

In addition, there are Emergency Call Boxes throughout the RVC campus.

- [Rockford Police Department](#)  
Emergency: 911  
Non-Emergency: (815) 966-2900  
557 S. Newtowne Dr.  
Rockford, IL 61101

### **Medical Care**

Immediate medical care for treatment of injuries, preventative treatment for sexually-transmitted diseases and other health care services can be obtained from the following resources:

- [OSF St. Anthony Medical Center](#)  
ER (815) 226-2000  
5666 E. State Street  
Rockford, IL 61108
- [SwedishAmerican Hospital](#)  
ER (815) 489-4105  
1401 E. State Street  
Rockford, IL 61104

- [MercyRockford on Rockton Ave.](#)  
(815) 971-5000  
2400 Rockton Ave.  
Rockford, IL

Both of these providers have trained Sexual Assault Nurse Examiners available to perform a rape kit in order to preserve evidence of a sexual assault. A victim of sexual assault does not need to make an immediate decision as to whether to seek criminal charges against a perpetrator; however, having a rape kit performed allows the victim the ability to preserve evidence should the victim choose to pursue criminal charges immediately or in the future.

### **Resources for Ongoing Assistance**

The resources below are available to anyone who has been the victim of sexual assault or any other Prohibited Act.

#### **Title IX Coordinator**

At the College, the Title IX Coordinator, Nancy Sanders, can be contacted by phone at (815) 282-7900 X27611 or by email at [Nancy.A.Sanders@osfhealthcare.org](mailto:Nancy.A.Sanders@osfhealthcare.org) to help a victim of a Prohibited Act connect with trained advocates and counselors who can provide ongoing assistance, regardless of whether the victim wishes to make an official report or participate in the institutional disciplinary or criminal process.

#### **Employee Assistance Program (Available to Students Also)**

Ongoing counseling and other assistance can also be obtained on-campus by contacting the College's Employee Assistance Program, which is a confidential resource available to both students and employees, at 1-800-433-7916.

#### **Off-Campus Advocates and Counselors**

Ongoing confidential assistance from off-campus advocates and counselors can also be obtained from the following resources:

- [Rockford Sexual Assault Counseling, Inc.](#) (sexual assault resources)  
(815) 636-9811  
(800) 564-8441  
4990 E. State Street  
Rockford, IL 61108
- [Rape, Abuse and Incest National Network](#) (RAINN)  
(800) 656-HOPE
- [Remedies Renewing Lives](#) (domestic/dating violence resources)  
(815) 962-6102  
516 Green St.  
Rockford, IL 61102

- [Illinois Domestic Violence Help Line](#)  
(877) 863-6338

## **REPORTING AND CONFIDENTIALITY**

### **Talking about What Happened**

The College encourages victims of sexual assault and other Prohibited Acts to talk to somebody in order to can get the support they need, and so the College can respond appropriately.

The leadership will make the College community aware of the various reporting and confidential disclosure options available – so individuals can make informed choices about where to turn should they become a victim of a Prohibited Act. The College encourages victims to talk to someone identified in one or more of these groups.

### **The Options**

#### **Privileged and Confidential Communications**

Victims who wish to speak with someone in confidence without triggering an investigation by the College have several options.

#### **Professional Counselors**

Professional, licensed counselors who provide mental health counseling (including those who act in that role under the supervision of a licensed counselor) will not report any information about an incident to the College without a victim's permission.

Following is the contact information for these individuals provided by the College at no charge to the victim:

- [OSF HealthCare Employee Assistance](#)  
Program (800) 433-7916  
(This service is available to students as well as employees of the College.)

#### **Off-Campus Counselors and Advocates**

Off-campus counselors, advocates and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for such off-campus resources:

- [Rockford Sexual Assault Counseling, Inc.](#) (sexual assault resources)  
(815) 636-9811  
(800) 564-8441  
4990 E. State Street  
Rockford, IL 61108

- [Rape, Abuse and Incest National Network \(RAINN\)](#)  
(800) 656-HOPE
- [Remedies Renewing Lives](#) (domestic/dating violence resources)  
(815) 962-6102  
516 Green St.  
Rockford, IL 61102
- [Illinois Domestic Violence Help Line](#)  
(877) 863-6338

### **Exceptions to Confidentiality**

While professional and non-professional counselors and advocates may maintain a victim's confidentiality with respect to the College, they may have reporting or other obligations under state law. Examples of such instances under Illinois law include the following:

- Physicians, nurses and/or medical facility administrators are required to notify local law enforcement when an individual who is not accompanied by a law enforcement official requests treatment at a medical facility and reasonably appears to be the victim of a crime; and
- Physicians, clinical psychologists, and other qualified examiners must report to the Illinois Department of Human Services any person who is determined to pose a clear and present danger to himself, herself or others. Other categories of individuals, including therapists, are legally permitted to disclose information when they determine such disclosure to be necessary in order to protect against an imminent risk of injury to self or others. Such disclosure may include disclosure to law enforcement.

### **Communications Which Are Not Privileged or Confidential Reporting to a College Employee**

When a victim tells a College employee about a Prohibited Act, the victim can expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A College employee must report to the Title IX Coordinator all relevant details about the incident shared by the victim that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a College employee will be shared only with people responsible for handling the College's response to the report. A College employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a College employee, the employee should try to ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

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

College employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the College to fully investigate an incident. By the same token, College employees will not pressure a victim to make a full report if the victim is not ready or does not wish to do so.

### **Requesting Confidentiality from the College**

If a victim discloses an incident to a College employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College, through the Title IX Coordinator, must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the College may not be able to honor a victim's request for confidentiality in order to provide a safe, non-discriminatory environment for all students. The College's Title IX Coordinator will evaluate requests for confidentiality once an employee is on notice of alleged Prohibited Act. When weighing a victim's request for confidentiality or request that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

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

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

If the College determines that it cannot maintain a victim's confidentiality, the College will inform

the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to do so.

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

## **Miscellaneous**

### **Take Back the Night and Other Public Awareness Events**

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, reveal the need for campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

### **Clery Act Reporting**

Certain campus officials have a duty to report sexual misconduct and certain other Prohibited Acts for federal statistical reporting purposes under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). All personally-identifiable information is kept confidential – neither the identity of the victim or offender are ever revealed in the College's annual Campus Security Report – but statistical information regarding the type, date and general location of the incident (i.e., on-campus, off-campus, etc.) may be published. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

### **Emergency Notifications and Timely Warnings**

Victims of sexual misconduct and certain other Prohibited Acts should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. When it has been determined that a crime creates a threat of continuing danger to the campus community, a crime alert will be posted throughout the campus, and an e-mail will be sent to the campus community. The Associate Dean Support Services will be responsible for issuing the timely warnings. Timely warnings will be issued by SACN, separately from those issued by the RVC Campus Police.

## **TITLE IX COORDINATOR**

### **Role of the Title IX Coordinator**

Pursuant to federal law<sup>1</sup>, the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault and sexual exploitation, can be a form of sex discrimination under Title IX, as can domestic or dating violence or stalking. The Title IX coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider school community.

A member of the College community should contact the Title IX Coordinator in order to:

- Seek information or training about individuals' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including Prohibited Acts;
- File a complaint or make a report of sex discrimination, including Prohibited Acts;
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns;
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including Prohibited Acts; and
- Ask questions about the College's policies and procedures related to sex discrimination, including this Policy.

### **Functions and Responsibilities of the Title IX Coordinator**

The Title IX Coordinator's functions and responsibilities include the following:

#### **Training for Students and Employees**

The Title IX Coordinator provides or facilitates ongoing training, consultation and technical assistance on Title IX for all students and employees, including:

- Regular training for employees outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate College officials and the extent to which counselors and advocates may keep a report confidential; and
- Regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include: what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator and Title IX's protections against retaliation.

#### **Investigations**

The College is responsible for conducting adequate, reliable and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- Determining whether the report or complaint alleges conduct that may, upon investigation, constitute a Prohibited Act;

- Appointing an investigative team upon such determination;
- Making certain that individual reports and complaints are handled properly and in a prompt and timely manner;
- Informing all parties regarding the grievance process;
- Confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable;
- Maintaining information and documentation related to the investigation in a secure manner; and
- Monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator also evaluates requests for confidentiality by those who report or complain about a Prohibited Act in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students.

### **Remedies, Including Interim Measures**

Upon learning of a report or complaint of a Prohibited Act, the Title IX Coordinator will promptly take steps to ensure the complainant's equal access to the College's programs and activities and to protect the complainant, as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation and making the complainant aware of all available resources, including victim advocacy, academic support, counseling, disability services, health and mental health services, and legal assistance.

Upon a finding that a Prohibited Act occurred, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including review and revision of the College's policies, increased monitoring, supervision or security at specific locations, and increased education and prevention efforts.

If the Title IX Team finds that an individual engaged in a Prohibited Act, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the College's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

### **Monitoring and Advising**

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- Coordinates campus climate surveys;
- Analyzes data collected by any climate surveys to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors; knowledge of the College's sexual misconduct policies, procedures and resources and the consequences of violating such policies; and the effectiveness of the College's efforts to ensure that the College is free from sexual misconduct;
- Reviews regularly all reports and complaints raising potential Title IX issues throughout the College to ensure that the College responded consistent with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual;
- Reviews regularly all reports and complaints raising potential Title IX issues throughout the College to identify and address any patterns;

- Reviews regularly the College’s policies and procedures to ensure that they comply with the requirements of Title IX;
- Organizes and maintains files related to grievances, reports, complaints and other records of potential sex discrimination, including sexual misconduct, in a secure manner;
- Assesses regularly the College’s compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate;
- Consults regularly with the President of the College and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct; and
- Ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

**Title IX Team**

The College’s Title IX Team includes:

- Nancy Sanders is the College’s Title IX Coordinator and can be reached in person in Room 3216, by telephone at (815) 282-7900 X27611 or by email at [Nancy.A.Sanders@osfhealthcare.org](mailto:Nancy.A.Sanders@osfhealthcare.org).
- Other team members will be added during academic year each year, on a rotating basis.

The Title IX Team is responsible for adjudicating complaints of Prohibited Acts. The Title IX Team will receive annual sexual violence training, including training on how to conduct investigations, protect the safety of victims and promote accountability.

**Conflicts of Interest**

In the event that the incident, policy or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX Team, students may contact any other member of the team or notify the President of the College, Dr. Soldwisch at 815/282-7900.

**PREVENTION, EDUCATION AND TRAINING**

The College is committed to providing prevention training and education to its community, including training on this Policy. The Title IX Coordinator shall ensure that training or educational programs are available to students and employees on an at least yearly basis on the topics of sexual harassment, sexual assault, domestic / dating violence and/or stalking. The Title IX Coordinator shall also ensure that the Title IX Team and all employees receive adequate training on issues related to sexual harassment, sexual assault, domestic / dating violence and stalking, as well as on this Policy.

**Primary Prevention and Awareness Programs**

- Saint Anthony College of Nursing provides mandatory programs for undergraduate students during the New Student Orientation (August and January). A one-hour session is presented on Title IX,

VAWA and other regulatory concerns. Students unable to attend their normal orientation session are required to make up the session with the Associate Dean.

- On April 23, 2018 a College Hour was presented on Sexual Assault Nurse Examiners (SANE), prostitution, and human trafficking in the community. This session was mandatory for all juniors and those seniors not graduating. It was optional for all other students, faculty and staff.
- One-on-one orientation with the Associate Dean is required for all new faculty and staff. Included in that one-hour session is information about Title IX and VAWA.

### **ADMINISTRATIVE CONTACTS**

While the College strives to be able to resolve any complaints of Prohibited Acts within the organization, the College acknowledges the right of an aggrieved person to contact federal or state entities for purposes of discussing and potentially filing a formal complaint.

An aggrieved individual may file a charge of sexual harassment with the Illinois Department of Human Rights and/or the Federal Equal Employment Opportunity Commission.

Illinois Department of Human Rights  
100 W. Randolph Street  
James R. Thompson Center, Suite 10-100  
Chicago, IL 60601  
Telephone: (312) 814-6200

Illinois Human Rights Commission State of Illinois

