

Reporting Obligation

All College employees (including student employees), as well as non-employees with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware to any SART team member unless they have a recognized confidentiality privilege.

Bystanders additionally have the responsibility to report crimes of sexual assault. Survivors of sexual assault are not to blame regardless of whether they were drinking, walking alone, or wearing certain clothing. None of these behaviors gives anyone the right to act violently towards another individual.

Retaliation

Midstate College strictly prohibits any material adverse action against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. Therefore, retaliatory actions such as intimidation, threats, or coercion against any such individual for having engaged in the above activities will be addressed in the most serious way by Midstate. Individuals who engage in such actions are subject to disciplinary action that may include, but is not limited to, exclusion, expulsion, or dismissal from the College, and termination of employment, including revocation of rank. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator or to a Deputy Title IX Coordinator, who shall investigate the matter and make findings so the College can take appropriate actions to address such conduct in a fair and impartial manner.

Amnesty for Sexual Misconduct Complainants and Witnesses

Midstate College encourages reporting of sexual misconduct and seeks to remove any barriers to an individual/group making a report. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his or her own conduct. An individual(s) who reports sexual misconduct that was directed at them or another person, either as a complainant, bystander, or a third party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and does not place the health or safety of any other person at risk.

The College may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. These interventions do not include involuntary leaves for students from the College. Amnesty will not be extended for any violations of College policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

Free Expression and Academic Freedom

Midstate College is firmly committed to free expression and academic freedom. We are equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of our community. We firmly believe that these two legitimate interests can coexist. Discrimination, harassment, and retaliation against members of the Midstate community are not protected expression or the proper exercise of academic freedom. The College will consider academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual's statements or speech.

Reporting Procedures

All crime victims and witnesses are strongly encouraged to report incidents to both local law enforcement and campus security. Prompt reporting will ensure timely warning notices to the campus community and timely disclosure of crime statistics.

- ❖ Security or reporting personnel will fill out an incident report.
 - ❖ When reporting an incident, provide the following information: description of the incident; date, time, and location of the incident; description of persons or vehicles involved; and any additional details that can be provided.
- ❖ Incident reports are maintained in the Daily Crime Log and copied to the Title IX Coordinator for documentation in the Annual Security Report and are kept confidential.
- ❖ The student(s) will be informed about the importance of preserving evidence which may be necessary under criminal investigation. (Do not shower, bathe, or douche, and save the clothing worn).
- ❖ The student(s) will be informed of the option to go to the hospital for medical care. Injuries should be treated and an examination completed to document and collect physical evidence of the assault. The student has the option to be assisted in getting medical attention.
- ❖ The student(s) will be informed of the option to notify proper law enforcement authorities and of the option to be assisted in notifying these authorities if the student chooses.

- ❖ The student(s) will be notified of existing counseling and mental health services for victims.
- ❖ The student(s) will be notified of the option for available assistance in changing academic and living situations if requested by the victim and if these changes are reasonably available.
- ❖ Security or the above personnel will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the campus notification system (paging, email, website, or mobile updates) unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Medical Assistance

Experiencing any form of sexual misconduct, especially acts of violence, is difficult and overwhelming. Survivors often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should do, next. Regardless of whether the individual chooses to report the incident, the College strongly encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible and, where appropriate, also test for and treat sexually transmitted infections, test for pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a rape evidence collection procedure, which are also strongly recommended to maintain all legal options.

Under Illinois law, medical personnel are required to alert police when it reasonably appears that the person requesting treatment has sustained an injury as a victim of a criminal offense, including sexual assault or violence, but individuals have the right to refuse to speak to police.

Preserving Evidence

Many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, survivors of sexual misconduct often have legal options that they can pursue. These options are available solely at the discretion of survivors, who may change their minds about pursuing them at any time. For example, a survivor may seek a protective order from a court against the perpetrator(s); pursue a civil action against the perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s). Regardless of whether an incident of sexual misconduct is reported to the police or the College, Midstate strongly encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible as this will best maintain all legal options for them in the future.

Additionally, such evidence may be helpful in pursuing a complaint with the College. While the College does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that may be considered in a College investigation or proceeding, provided they are available at the time of the investigation or proceeding.

Suggestions for preserving evidence related to an incident of sexual misconduct are suggested below. It is important to keep in mind that each suggestion may not apply in every incident.

General Evidence Preservation Suggestions

- ❖ Do not alter, dispose of, or destroy any physical evidence.
- ❖ If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).
- ❖ Preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or perpetrator.
- ❖ Even if survivors choose not to make a complaint regarding sexual misconduct, they should nevertheless consider speaking with Campus Security or other law enforcement to preserve evidence in the event that they change their mind at a later date.

Evidence Preservation Suggestions Specific to Sexual Assault

- ❖ Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection. Under Illinois law, any cost for an emergency medical or forensic examination for a victim of sexual violence that is not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services and should not be billed to the patient.
- ❖ An individual who has been sexually assaulted should not shower, bathe, douche, smoke, brush teeth, eat, drink, or change clothes or bedding before going to the hospital or seeking medical attention.