

### Reporting Incidents Involving Minors

The Illinois Abused and Neglected Child Reporting Act (ANCRA) includes “personnel of institutions of higher education.” Accordingly, all individuals employed and/or appointed by the College, including but not limited to faculty, staff, student employees, and volunteers are considered Mandated Reporters of child abuse and neglect. This means that all employees have a duty to immediately report or cause a report to be made whenever they have “reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected.” Midstate employees have a legal obligation to immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) at 800.25.ABUSE/800.252.2873. Midstate College is committed to the safety and welfare of all members and visitors of our campus.

Some examples of instances in which this would apply:

- ❖ Someone beating a child or hitting a child with an object.
- ❖ Marks on a child’s body that do not appear to have been caused by accident.
- ❖ A child tells you that he or she has been harmed by someone.
- ❖ A young child is left alone (or left alone in a vehicle), appears to be undernourished, or is dressed inappropriately for the weather.

### Malicious, False Accusations

It is a violation of this policy to make a report of sexual misconduct that is known to be false. Such conduct is in violation of this policy and will be investigated and adjudicated accordingly.

### On-Campus Disciplinary Action

- ❖ The complainant and the respondent are both entitled to the same opportunities to have others present during a campus disciplinary proceeding.
- ❖ Both the complainant and the respondent shall be informed of the outcome of any campus disciplinary proceedings brought alleging a sexual assault or any other criminal offense.
- ❖ Possible sanctions for crimes including, but not limited to, rape, acquaintance rape, or other sex offenses (forcible or non-forcible) following an on-campus disciplinary procedure are as follows:

### Employee Sanctions

The below sanctions are in addition to any criminal sanctions that may be imposed. Student workers are subject to both employee and student sanctions.

- ❖ Verbal or written warning
- ❖ Employee Performance Progress Review
- ❖ Required counseling, therapy, training, and/or education
- ❖ Campus access restrictions
- ❖ Loss of oversight, teaching or supervisory responsibility
- ❖ Termination of employment
- ❖ No trespass order
- ❖ No contact directive (with respect to an individual)
- ❖ Revocation of rank

### Student Sanctions

These sanctions are in addition to any criminal sanctions that may be imposed.

- ❖ Verbal or written warning
- ❖ Disciplinary hold on academic and/or financial records
- ❖ Required counseling, therapy, training, and/or education
- ❖ Campus access restrictions
- ❖ No trespass order
- ❖ No contact directive (with respect to an individual)
- ❖ Expulsion

**Third-Party Sanctions**

These sanctions are in addition to any criminal sanctions that may be imposed.

- ❖ Termination of contract and services

The College may assign other sanctions as appropriate in each particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Employee Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts. In addition, the College may take steps to remediate the effects of a violation on victims and others.

Following an investigation, the College may extend interim protective measures and accommodations and/or take other measures to eliminate any hostile environment caused by the sexual misconduct, prevent the recurrence of any sexual misconduct, and remedy the effects of the sexual misconduct on the complainant and the College community. Such measures may include, but are not limited to, the interim measures and accommodations referenced below as well as counseling, training, and other preventative measures.

**Interim Protective Measures and Accommodations**

Interim protective measures and accommodations are reasonable measures the College can put in place to provide immediate support and added protection to an individual who reports having experienced sexual misconduct or retaliation, at no cost to that individual. These measures can be temporary in duration pending the results of an investigation but can become permanent. Interim protective measures and accommodations include, but are not limited to:

- ❖ A no-contact directive issued by the Title IX Coordinator, Director of Human Resources, or their designee.
- ❖ Adjustment of course schedules or employment schedules.
- ❖ Time off from class or work or a leave of absence.
- ❖ Safety planning - Center for Prevention of Abuse.
- ❖ Housing (Center for Prevention of Abuse) or work space relocation.

Interim protective measures and accommodations can be made available regardless of whether an individual chooses to report an incident to Campus Security or local law enforcement or pursue a complaint with the College. The Title IX Coordinator, Director of Human Resources, or their designee will determine whether interim protective measures or accommodations are reasonable and should be implemented and, if so, will work to ensure that interim protective measures or accommodations are implemented as soon as possible. The College will keep confidential any accommodations or protective measures provided to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the protective measures or accommodations.

Violations of directives related to interim protective measures or accommodations may lead to an investigation and disciplinary actions which may include exclusion, expulsion, or dismissal from the College and termination of employment, including revocation of rank.

**Investigation and Resolution of Alleged Violations of the Sexual Misconduct**

Reporting an incident of sexual misconduct or retaliation to the College can result in the investigation of whether a violation of this policy occurred and can also result in disciplinary action against any student, staff or faculty member, or outside party who is determined to have violated this policy. The College has generally designated the Director of Human Resources to oversee complaints of sexual misconduct and retaliation involving staff, faculty and third parties, and the Title IX Coordinator to oversee reports of sexual misconduct and retaliation against students. The College may also rely upon any Deputy Title IX Coordinator, Title IX Investigator, and outside investigators to conduct investigations as needed. Further, a report of sexual misconduct or retaliation will be routed to the appropriate office for investigation, regardless of where it is initially directed.

The College's investigative and resolution processes of reports of violations of this policy will be prompt, fair and impartial. The procedures set forth below are intended to afford a prompt response to reports of sexual misconduct, to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

Complaints of sexual misconduct and retaliation will be investigated and resolved in accordance with this policy. Because such allegations can sometimes raise novel issues and involve competing interests, the College reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this policy and which preserves fairness for both parties and maintains the integrity in the investigation and resolution processes. The College uses the preponderance of the evidence standard to determine responsibility of violations of this policy.

### **Advisor/Legal Counsel**

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent and, because these are internal College proceedings, may not function as legal counsel.

To enhance the integrity of the investigation process and help ensure fairness for all parties, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney. In matters in the Student Success office, advisors must also be members of the Midstate community.

However, in any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party's choosing, including an attorney. In this case, the advisor is still limited to the supportive and not participatory role described above. Advisors who do not abide by these guidelines may be excluded from the process.

### **Privacy and Sharing of Information**

The College considers complaints and investigations conducted under this Policy to be private matters for the parties involved. For that reason, the College will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The College will only share personally identifiable information with persons with a need-to-know in order for the College to investigate and respond or to deliver resources or support services. The College does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in the College Daily Crime Log or elsewhere online. The College does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without that individual's consent. However, the College cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

Most situations require the disclosure of the complainant's identity to those involved in the investigation in order to fully investigate the matter and/or to enable the respondent to fully respond to the allegations. When individuals report allegations of sexual misconduct to the College and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, the College's ability to respond to the complaints may be limited. In cases where an individual reporting sexual misconduct requests anonymity or does not wish to proceed with an investigation, the College, will attempt to honor that request but, in some cases, the Title IX Coordinator or Director of Human Resources may determine that the College needs to proceed with an investigation based on concern for the safety or well-being of the broader College community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). Midstate reserves the right to take appropriate action in such circumstances, including in cases when the individual reporting the misconduct is reluctant to proceed.

All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked to keep the information related to the investigation private to the extent consistent with applicable law. Witnesses and advisors will be directed to maintain complete confidentiality.

Upon the conclusion of an investigation, the complainant and respondent will be notified in writing, at the same time, of the outcome of the investigation, including whether the alleged conduct was found to have occurred and any sanctions imposed on the respondent that directly relate to the complainant. For the same reasons noted above, the College encourages the parties to maintain the confidentiality of this communication.

### **Investigations and Resolution of Complaints against Faculty, Staff and Third Parties**

The College's Title IX Coordinator, Title IX Investigator, or designee, investigates complaints of sexual misconduct, including complaints of sexual harassment and sexual assault, brought against faculty, staff and third parties.

When a complaint is received, the Title IX Coordinator, Title IX Investigator, or designee interviews parties and witnesses and reviews any relevant documents and evidence. Once an investigation is completed, the investigator makes findings on whether the preponderance of the evidence indicates that the respondent violated the College's Sexual Misconduct Policy. The investigator advises the parties of the findings in writing and communicates findings and recommendations to other College offices as needed for resolution and determination of sanctions or corrective actions. Most investigations are completed within 60 days. Parties may file an appeal of an investigator's findings.

**Investigations and Resolution of Reports against Students**

The College's Director of Student Success, Title IX Investigator, or designee, investigates reports of alleged violations of this policy by Midstate students.

When a report is received, the Title IX Coordinator, Director of Student Success, or designee will conduct an initial inquiry to determine the resolution plan. If action is required to remediate the impact of the alleged policy violation, the Title IX Coordinator, Director of Student Success, or designee will take interim actions or make accommodations as appropriate. If the report has not been resolved informally, the matter will then be assigned to an investigator who will gather full details related to the report. The investigator will interview the parties and relevant witnesses and review relevant documents and evidence.

Resolution of these reports is determined through the Student Affairs' and Dean's offices. If it is determined by the the Title IX Coordinator, Director of Student Success, or designee that the alleged policy violation has the potential to result in a separation from the College (e.g., suspension, exclusion, expulsion, degree revocation), the investigator will complete an investigative report that includes details of the investigation and the investigator's findings of fact. The report will be provided to the complainant reporting the misconduct, the respondent, and the College's hearing panel. A panel hearing will be held, in which the parties will have the opportunity to meet with the panel individually. The panel will determine responsibility for policy violations and, if applicable, sanctions. If it is determined by the Title IX Coordinator, Director of Student Success, or designee that the alleged policy violation does not have the potential to result in separation from the College, it will be resolved through an Administrative hearing.

Most investigations are completed within 60 days. There is a review/appeals process available to both complainants and respondents in all cases.

**Complaints Regarding the Specific Allegations of Sexual Assault, Stalking, Dating or Domestic Violence**

Individuals who report to any member of the SART Team that they have experienced sexual assault, stalking, or dating or domestic violence, whether the offense occurred on- or off-campus, will be provided with a written explanation of their rights, options, and resources, including a link to this policy. Specifically, this notice will include information about:

- ❖ Services and resources related to counseling, health and mental health, legal, and student financial aid.
- ❖ Interim protective measures and accommodations and how to request them during the course of the investigation.
- ❖ The procedures for institutional disciplinary action in cases of sexual assault, dating or domestic violence and stalking.
- ❖ Preserving evidence, reporting to law enforcement, being assisted by College officials in reporting to law enforcement, seeking a protective order, and confidentiality.

**Educational Training Awareness**

The Center for Prevention of Abuse provides annual training to the SART Team on issues related to sexual misconduct, investigation, and resolution.