

- ❖ 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.

- ❖ If the individual who has been sexually assaulted decides to change clothes or bedding, he or she should not wash the clothes worn or bedding used during the assault and should bring them to a hospital, medical facility or the police in a non-plastic bag (e.g., paper bag).
- ❖ In Illinois, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement. After the evidence is collected, Illinois law requires hospital staff to store it for two weeks. A sexual assault evidence collection kit may not be released by an Illinois hospital without written consent from the survivor.

Confidential Support, Advocacy, and Counseling

Confidential support, advocacy, and counseling are provided by the Center for Prevention of Abuse. The Center provides resources for individuals to discuss incidents and issues related to sexual misconduct on a confidential basis. Confidential resources will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or the College, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or where state law requires a report be made. Confidential resources can provide survivors with information about support services and their options. Because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to the College and will not result in a response or intervention by the College.

A complainant may report sexual misconduct to the College yet request confidentiality. If the complainant requests confidentiality or asks that the report not be pursued, the College shall take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue the investigation, as long as doing so does not prevent the College from fulfilling its responsibility to provide a safe and non-discriminatory environment to all individuals. Upon a request for confidentiality, the College shall inform the complainant: (1) if the College cannot ensure confidentiality; (2) that a confidentiality request may limit the College's ability to respond to the report, including pursuing disciplinary action against the alleged respondent; and (3) that the College prohibits retaliation and that such retaliation is subject to disciplinary action under this policy. The College's Title IX Coordinator is the responsible party for making determinations as to requests for confidentiality.

Reporting Anonymously

A complainant has the right to disclose a history or incident of sexual violence without revealing any identifying information such as name, address, etc. Reporting anonymously can prohibit the College from being able to properly investigate an allegation to a satisfactory outcome.

Reporting to Law Enforcement

Midstate College encourages individuals to report incidents of sexual misconduct to Campus Security or local law enforcement officials. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence crimes, and may lead to the arrest of an offender or aid in the investigation of other incidents.

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of those crimes against a perpetrator. It is important to know that reporting the incident to police or Campus Security does not mean an individual is obligated to testify in court.

Reports of sexual misconduct made to Campus Security will automatically be reported to the Title IX Coordinator or a Deputy Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

Reporting to the College

An individual who has experienced sexual misconduct has the right to choose whether to report the incident to any member of the SART team for investigation. As stated in the Reporting Obligation section, all College employees (including student employees) are obligated to promptly report incidents of sexual misconduct of which they become aware unless they have a recognized confidentiality privilege. Further, the College encourages students and third parties who have observed or been made aware of sexual misconduct to report the incident to the SART Team for investigation.

The SART Team is trained to work with individuals who report sexual misconduct and have knowledge about on- and off-campus resources, services, and options – including the availability of interim protective measures and accommodations. The College has generally designated the Director of Human Resources to oversee complaints of sexual misconduct involving staff, faculty and third parties, and the Title IX Coordinator to oversee complaints of sexual misconduct against students.