

mediately 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 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.

### **Reporting Incidents Involving Minors (Mandated Reporting)**

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