

Preventing Sexual Violence in Higher Education Act Annual Report

Augustana College

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PART A

Provide one copy of the most recent version of each of the following documents:

- Augustana College’s comprehensive policy (*see Attachment A*); and
- Augustana College’s concise, written notification of a survivor’s rights and options under its comprehensive policy (*see Attachment B*).

PART B

- I. Campus Training, Education and Awareness
 - a. Student Primary Prevention Programming

Program Name	Type/Description	Date(s)	Location(s)	Target Audience	Number of Attendees
Bystander Intervention	Bystander Intervention, Consent	January 5, 2016	Augustana College	Men's Basketball	22
Bystander Intervention	Bystander Intervention, Consent	January 5, 2016	Augustana College	Wrestling Team	23
Bystander Intervention	Bystander Intervention, Consent	January 7, 2016	Augustana College	Swimming Team	44
Bystander Intervention	Bystander Intervention, Consent	January 7, 2016	Augustana College	Women's Basketball	20
Bystander Intervention	Bystander Intervention, Consent	January 8, 2016	Augustana College	Men's Track & Field	91
Bystander Intervention	Bystander Intervention, Consent	February 10, 2016	Augustana College , Gavle	Delta Chi Theta Sorority	84
Bystander Intervention	Bystander Intervention, Consent	February 24, 2016	Augustana College	Women's Lacrosse and Track Teams	82
Bystander Intervention	Bystander Intervention, Consent	March 3, 2016	Augustana College	Baseball Team	29
Bystander Intervention	Bystander Intervention, Consent	March 9, 2016	Augustana College , Carver Classroom	Men's & Women's Tennis teams	22
Bystander Intervention	Bystander Intervention, Consent	March 22, 2016	Augustana College , Carver Classroom	Women's Volleyball Team	31
Bystander Intervention	Bystander Intervention, Consent	March 29, 2016	Augustana College , Gavle	Greek Life New Members	350
Bystander Intervention	Bystander Intervention, Consent	March 31, 2016	Augustana College , Carver Classroom	Men's Soccer Team	38
Take Back the Night	Rally and support for survivors	April 25, 2016	Augustana College , Main Quad	campus community	100
Community Advisor Training	Responsible Employee Expectations & Title IX Response	August 4, 2016	Augustana College , Olin Hall	Community Advisors	49

Bathroom Posters	"Take Care" Bathroom posters on Sexual Misconduct, Bias Incidents and Alcohol	August 15, 2016	Augustana College , Every public bathroom stall	campus community	unknown
Nine Things to Know Posters	Information regarding Title IX on campus and in the community	August 15, 2016	Augustana College , Every public bathroom stall	campus community	unknown
Sex Signals	Live program regarding sexual assault prevention, bystander intervention and consent	August 20, 2016	Augustana College , Centennial Hall	new students	709
Sustained Dialogue Discussion	College support & response to student disclosures	October 10, 2016	Augustana College , Olin Hall	Sustained Dialogue Group	10
Bystander Intervention	Bystander intervention training through MVP program for women's lacrosse team	November 29, 2016	Augustana College	athletes	11
Bystander Intervention	Bystander intervention training through MVP program for baseball, wrestling, tennis and track	December 7, 2016	Augustana College	athletes	96
Bystander Intervention	Bystander intervention training through MVP program for baseball, wrestling, tennis and track	December 7, 2016	Augustana College	athletes	37
Alcohol.edu	Online program about alcohol and sexual assault	July 15 - August 24, 2016	Online	new students	697
You Got This	Online program about alcohol and sexual assault	July 15 - August 24, 2016	Online	Juniors & Seniors	1048
Haven	Online program about alcohol and sexual assault	July 15 - August 24, 2016	Online	Sophomores	602
MVP Course	Mentors in Violence Prevention Train the Trainer Course (for credit)	March 2 – May 20, 2016	Augustana College	students	10

b. Employee Training

Program Name	Type/Description	Date(s)	Location(s)	Target Audience	Number of Attendees
Mock Hearing	Mock Grievance Panel Hearing	January 7, 2016	Augustana College , Bergendoff	Grievance Panel Members	25
Hearing Procedures	Review of Grievance Hearing Procedures	January 19, 2016	Augustana College	Grievance Panel Members	5
QCPDN Title IX Training	Quad City Professional Development Network Title IX Coordinator Training	February 16, 2016	Palmer College (Davenport, IA)	Title IX Team	8
Title IX Overview	TrainED Title IX Overview Training Webinar	March 11, 2016	Augustana College	Title IX Team	1
Q&A with Title IX Experts	EduRisk/United Educators Webinar	March 16, 2016	Augustana College	Title IX Team	5
Athletics Staff Meeting	Responsible Employee Training & College response to student disclosures	March 8, 2016	Augustana College , Kenny Anderson Club	Athletics Coaches	22
Webinar	Illinois Preventing Sexual Violence in Higher Education Webinar	April 5, 2016	Augustana College	Title IX Team	6
Title IX Overview	Webinar: Title IX ASAP Training	April 22, 2016	Augustana College	Title IX Team & Grievance Panel Members	18
Process Overview	Augustana College Adjudication Overview	May 3, 2016	Augustana College	Grievance Panel Members	5
Process Overview	Augustana College Adjudication Overview	May 11, 2016	Augustana College	Grievance Panel Members	5
Q&A with Title IX Experts	Webinar on Investigation & Adjudication	June 15, 2016	Augustana College	Title IX Team	6
Process Overview	Augustana College Adjudication Overview	June 15, 2016	Augustana College	Grievance Panel Members	3
Report Writing	Webinar on Investigation & Report Writing	July 15, 2016	Augustana College	Title IX Team & Grievance Panel Members	10
Policy Review & Revisions	Policy Review & Illinois Compliance Revisions	July 25, 2016	Augustana College	Title IX Team	7
Top 10 Things to Know	Webinar on Title IX "Top 10" Investigation Things to Know	July 28, 2016	Augustana College	Title IX Team	5

Orientation Meeting	Introduction to Responsibilities as a member of Committee on Harassment and Discrimination	August 1, 2016	Augustana College	Grievance Panel Members	
Webinar	Webinar: Title IX Investigation Discussion: Steps to Take to Improve Investigations	August 4, 2016	Augustana College	Title IX Team	2
Orientation Meeting	Introduction to Responsibilities as a member of Committee on Harassment and Discrimination	August 7, 2016	Augustana College	Grievance Panel Members	
LGBTQ Rights	Webinar on Title IX and Protecting the Rights of LGBTQ on Your Campus	August 7, 2016	Augustana College	Title IX Team	
Social Media Management	Webinar: Managing Social Media Disclosures & Confidentiality	August 19, 2016	Augustana College	Title IX Team, Communication & Marketing Staff	7
Confidential Advisor Role	<i>SafePath</i> & Confidential Advisor Role	August 23, 2016	<i>SafePath</i> (Rock Island, IL)	<i>SafePath</i> staff & Title IX Team	15
Confidential Resources	Review of Roles & Policy	August 26, 2017	Augustana College	College Pastoral & Counseling Staff	
Orientation Meeting	Introduction to Responsibilities as a member of Committee on Harassment and Discrimination	August 31, 2016	Augustana College	Grievance Panel Members	14
Public Safety Training	College response to student disclosures	September 1, 2016	Augustana College , Sorensen	Public Safety & Police Staff	
Title IX and Transgender Students	Friday Conversation: College's support and resources for transgender students	September 2, 2016	Augustana College , Wilson Center	Faculty, Staff and Administrators	
Orientation Meeting	Introduction to Responsibilities as a member of Committee on Harassment and Discrimination	September 7, 2016	Augustana College	Grievance Panel Members	4
Webinar	Webinar: The Neurobiology of Trauma Part 1	September 15, 2016	Augustana College	Grievance Panel Members & Title IX Team	11
Webinar	Webinar: The Neurobiology of Trauma Part 2	September 15, 2016	Augustana College	Grievance Panel Members & Title IX Team	14
Webinar	Ask a TIX Coordinator	September 29, 2016	Augustana College	Title IX Team	4
Webinar	Title IX Sexual Misconduct – Jackson Lewis Webinar	October 5, 2016	Augustana College	Title IX Team	3
Webinar	Webinar: The Neurobiology of Trauma Part 1	October 11, 2016	Augustana College	Grievance Panel Members & Title IX Team	2
Webinar	Integrating LGBTQ Community into Policies & Procedures	October 19, 2016	Augustana College	Grievance Panel Members & Title IX Team	15
Webinar	Sexual Misconduct Training, Awareness Campaigns, and Climate Surveys – Jackson Lewis Webinar	October 19, 2016	Augustana College	Title IX Team	1
Webinar	Webinar: The Neurobiology of Trauma Part 2	October 20, 2016	Augustana College	Grievance Panel Members & Title IX Team	1
Adjudicating Complaints	Adjudicating Complaints of Sexual Misconduct	October 26, 2016	Augustana College	Grievance Panel Members & Title IX Team	11
Adjudication Review	Review of Adjudication Process	October 31, 2016	Augustana College	Grievance Panel Members & Title IX Team	4
Webinar	Webinar: The Neurobiology of Trauma Part 1	November 7, 2016	Augustana College	Grievance Panel Members & Title IX Team	1
Webinar	Webinar: The Neurobiology of Trauma Part 1	November 8, 2016	Augustana College	Grievance Panel Members & Title IX Team	1
Webinar	Webinar: The Neurobiology of Trauma Part 2	November 7, 2016	Augustana College	Grievance Panel Members & Title IX Team	2
Council on Independent Colleges Conference	Title IX: Compliance and Best Practices Presentation	November 6, 2016	New Orleans, LA	Academic Affairs Staff	1

Adjudication Review	Review of Adjudication Process	November 9, 2016	Augustana College	Grievance Panel Members & Title IX Team	4
Webinar	Title IX: Recent Developments – Jackson Lewis Webinar	November 15, 2016	Augustana College	Title IX Team	1
Policy Review	Review of College Policy	November 28, 2016	Augustana College	Grievance Panel Members	4
Training Institute	Trauma Informed Sexual Assault Investigations & Adjudication NCCPS Institute	November 28 – December 2, 2016	University of Chicago (Chicago, IL)	Title IX Team	2
Adjudication Review	Review of Adjudication Process	December 6, 2016	Augustana College	Grievance Panel Members	3
Transgender Presentation	Making Augustana College Trans-Habitable Presentation	December 6, 2016	Augustana College	Campus Community	30
Transgender Presentation	Trans-Habitable Post-Presentation Meeting with Title IX Team	December 6, 2016	Augustana College	Title IX Team	6
Report Writing	Writing Investigative Reports	December 15, 2016	Augustana College	Grievance Panel Members & Title IX Team	11
FETI Webinar	Forensic Experiential Trauma Interview Webinar Part 1	December 19, 2016	Augustana College	Grievance Panel Members & Title IX Team	18
FETI Webinar	Forensic Experiential Trauma Interview Webinar Part 2	December 21, 2016	Augustana College	Grievance Panel Members & Title IX Team	13
TIX Overview for RIPD	Augustana College’s Requirements and Response under TIX for Rock Island Police Officers	December 21, 2016	Rock Island Police Department, Rock Island, IL	Title IX Team & Rock Island Police Officers	20

II. Reports

Identify the total number of reports made to the following groups of individuals in the 2016 calendar year. Augustana College is aware that some students reported an incident more than once. This is reflected in the table below.

	Reports to the Title IX coordinator/responsible employees	Reports to confidential and anonymous resources
Sexual Violence	42	57 (34 also reported information to Title IX)
Domestic Violence	0	2
Dating Violence	7	0
Stalking	1	0

a. Responses to Reports to the Title IX Coordinator or Responsible Employees

Of the total number of reports or disclosures made to the Title IX coordinator or responsible employees at the Augustana College, the number of time the following occurred:

	Survivor requested not to proceed with the complaint resolution procedure	Augustana College investigated allegation	Augustana College referred allegation to local or State law enforcement	Augustana College resolved allegation through complaint resolution procedure
Sexual Violence	38	4	2	4
Domestic Violence	0	0	0	0
Dating Violence	7	0	0	0
Stalking	1	0	0	0

b. Complaint Resolution Procedure Outcomes

Of the total number of reports reviewed through the complaint resolution procedure, identify the number of students who received the following outcomes. A description of the other types of discipline students received for violating the comprehensive policy is provided in Part C of this report.

	Found not responsible for violation of comprehensive policy	Dismissed/expelled	Suspended	Otherwise disciplined
Sexual Violence	1	0	2	1 (parties participated in an informal resolution)
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

ATTACHMENT A: AUGUSTANA COLLEGE COMPREHENSIVE POLICY

2015-2016 Academic Year Comprehensive Policy

Policy Against Discrimination & Harassment

It is the policy and commitment of Augustana College to provide an environment free from discrimination based upon race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, or any other classification protected by law in matters of admissions, employment, housing, or services or in the educational programs or activities operated by the College.

Harassment, whether verbal, physical, or visual, that is based on any of these characteristics is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence (*see* Policy Against Sex Discrimination, Sexual Harassment & Sexual Misconduct).

Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal harassment:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects.
- **Physical harassment:** physical contact including touching, hitting, pushing or other aggressive contact. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of physical harassment.
- **Sexual harassment:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, a Title IX Coordinator.

SCOPE OF POLICY

This policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

RETALIATION PROHIBITED

The College prohibits retaliation against an individual for opposing any practices prohibited under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. Concerns about potential retaliatory conduct should be reported to the Director of Human Resources Manager or another Title IX Officer (*see Title IX* below), or the General Counsel of the College.

Sexual or other harassment can occur intentionally or unintentionally. A member of the Augustana community who feels harassed by an employee of the College, a student, or a third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that his or her actions are offensive to you and that those actions must stop
- If the offensive behavior does not stop, **or if you are not comfortable communicating directly with the person**, you should advise your manager or supervisor, or any member of the Office of Human Resources, a Title IX Coordinator, the Dean of Students Office, or a member of the Residential Life staff. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should be factual and contain as much specific information as possible.
- Alleged violations of this Policy Against Discrimination and Harassment are promptly investigated. If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, a Title IX Coordinator (see below), the Dean of Students Office, or the General Counsel of the College.
- The College will take any steps necessary to stop behavior that violates this policy.
- You may report violations without fear of retaliation. The College strictly prohibits retaliation of any kind against an employee or any other individual who reports, in good faith, conduct that is believed to violate this policy. Retaliation is also prohibited against any individual who participates in the College's investigation of such conduct. Any individual who believes he or she has been subjected to or affected by retaliatory conduct for reporting a suspected violation of this policy or participating in an investigation should report the concern immediately.

It may be considered harassment if:

- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

All complaints of harassment or discrimination will be kept as confidential as possible. A prompt and thorough investigation of all complaints will take place. The investigation and grievance procedures may

vary, however, depending on the type of discrimination reported, as well as the classification of the individual accused of a violation (i.e, student, employee or faculty member). Retaliation against individuals who report harassment or discrimination or participate in the investigation of a report is strictly prohibited. Any incident or suspected incident of retaliation should be reported immediately. Reports of retaliation may be made to the Director of Human Resources, the General Counsel, the Dean of Students Office or a Title IX Coordinator.

Investigation & Grievance Procedures: Alleged Student Violations

The College has established a Policy Against Sex Discrimination, including Sexual Harassment and Sexual Misconduct, and Other Interpersonal Misconduct ("Policy") that articulates conduct prohibited by the College. The Policy and these Investigation and Grievance Procedures outline the College's approach to addressing reports of suspected Policy violations by a student, taking into account the College's status as a private institution of higher education and its unique mission and culture. Because the College's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach to resolving alleged or suspected violations of the Policy is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with the various anti-discrimination laws that apply to its programs.

The College is committed to promptly, fairly, impartially, and equitably resolving alleged or suspected violations of the Policy. In most cases, the College's investigation and resolution of alleged violations, including the issuance of any sanctions, will be completed within 60 days. The College's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances. In instances where an alleged or suspected victim of conduct that violates the Policy is unwilling or unable to file a complaint, the College, through a representative selected by the College, may elect to proceed with a complaint and to seek resolution of the complaint in accordance with the Investigation and Grievance Procedures described below or other process that resolves the complaint in a manner consistent with applicable law and relevant OCR or other governmental guidance. In any case, the unwillingness of an alleged victim to proceed with a complaint is not a violation of this policy.

These Investigation and Grievance Procedures ("Procedures") apply to all suspected or alleged violations of the Policy by students and will be used in place of the Augustana Code of Social Conduct or any other student conduct policies or procedures used to address other alleged misconduct involving students. In addition, any sanctions or other corrective actions imposed against students who violate the Policy shall be imposed pursuant to these Procedures, rather than

pursuant to the Code of Social Conduct, Student Judiciary procedures, or any other set of policies and procedures governing student conduct, unless the College determines in its discretion that the Code of Social Conduct, Student Judiciary procedures, or other policy governing student conduct should be used to resolve a particular matter. In addition, the College may, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law. The College officials responsible for investigating and resolving alleged violations of this Policy in accordance with these Investigation and Grievance Procedures will receive annual training on issues related to sexual assault, dating violence, and domestic violence, and how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

Confidentiality

In matters involving incidents of sexual misconduct or other interpersonal misconduct, requests for confidentiality will be respected to the extent allowable under federal and state law, and information pertaining to such incidents will be treated with sensitivity and disseminated with care when it is necessary to do so for purposes of conducting an investigation or taking appropriate corrective action. However, the College reserves the right (as permitted or required by applicable law) to issue timely warnings and make other announcements to the College community when the College determines that there is a serious or continuing threat to members of the college community or that there is another significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the College's campus. In making such announcements to students and employees, the College will withhold the names of victims as confidential to the greatest extent permitted by law. Under federal law, the College must report the occurrence of certain designated crimes that occur on campus or in certain other designated areas, including forcible and non-forcible sex offenses as defined by the federal government, in an annual security report that is submitted to the U.S. Department of Education. This annual security report does not include personally identifiable information.

Initial Response, Interim Measures, and Investigation

Initial Response

The Title IX Coordinator or his/her designee will meet with the complainant and discuss fully the options afforded to him/her, the rights and responsibilities of both parties (including the right to be accompanied during any College grievance proceeding and any related meeting by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), the Hearing Panel process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies. At that time, a written complaint may be filed by the complainant, but a written complaint is not necessary.

If a complainant at that time requests that his/her identity remain confidential or that the College not pursue an investigation, the College must still discharge its responsibility to take steps to foster an educational environment that is free of discrimination and harassment for all members of the campus community. As a result, the College will seek to respect the complainant's request, but it must also take into account the seriousness of the alleged misconduct and threats to community safety, along with the respondent's rights for notification under federal and state law. If the College cannot abide by the complainant's requests, it will consult with the complainant and provide information about its chosen course of action. The Title IX Coordinator will make the final determination regarding the College's ability to comply with a request for confidentiality.

As soon as practicable after the initial meeting with the complainant, the individual accused of violating the Policy (the "respondent") will also be notified that a complaint has been made unless the College determines that notifying the respondent is not necessary or appropriate under the circumstances. The respondent will also be informed of the options available to him/her, the rights and responsibilities of both parties (including the right to be accompanied during any College grievance proceeding and any related meeting by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), the Hearing Panel process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies.

The respondent may elect to accept responsibility for all or part of the conduct alleged by the complainant. In that case, the Title IX Coordinator or designee may continue their investigation in order to provide additional information that may be relevant in determining any appropriate sanctions. If the respondent does not accept responsibility, the investigation process, as described below, will begin.

Interim Measures

Upon receipt of a report, the Title IX Coordinator and his/her designee will work with all parties involved in an alleged incident to undertake any appropriate interim measures to protect the safety of the campus community and will seek to provide remedies for the parties that address their safety and well-being. Remedies may include counseling services, no contact orders, provision of escorts and residence modifications, along with academic and campus work accommodations. In addition, the College may, at its discretion, impose an interim suspension or leave of absence in cases where the College believes there is risk of harm to others. Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible. All parties will be informed that the College prohibits any retaliation against parties involved in reporting or witnessing allegations of sexual misconduct and that retaliation of that nature is grounds for disciplinary action.

Investigation

Depending upon the nature of the alleged or suspected Policy violation and the willingness of the respondent to accept responsibility, the Title IX Coordinator will initiate and coordinate a Title IX investigation of a reported violation of the Policy as soon as practical, appointing one or more campus officials who have been trained to conduct investigations.

The College is committed to undertaking prompt, thorough, impartial and fair investigations and to treating all individuals with respect and with sensitivity. The investigation of any suspected or alleged violation of the Policy will be completed and a resolution arrived at within 60 days of the filing of a complaint or the date on which the College becomes aware of a suspected or alleged violation of the Policy unless the College determines that additional time is required. The College will provide the parties with periodic updates regarding the status of the process. Extenuating circumstances could require the process to extend beyond that time frame and the College will determine in its discretion if such circumstances exist.

The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amenable to pursuing an informal resolution and the matter is eligible for informal resolution, as discussed below. As part of the investigation, the investigator(s) will seek to interview both the complainant and the respondent. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's opportunity to benefit from the College's programs or activities.
- The names of other individuals who might have relevant information about the alleged actions and/or have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The respondent is also expected to provide as much information as possible in connection with the investigation.

Upon conclusion of the investigation, the investigator(s) will produce a report that summarizes and analyzes the relevant facts and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence) and shall provide such report to the Title IX Coordinator. This investigation report will be shared with the parties and will be used in either an informal or formal resolution procedure, as appropriate and as outlined below.

Informal Resolution Procedure

Allegations of sexual misconduct, including allegations of sexual assault or sexual violence, may not be resolved using an informal resolution procedure (i.e., mediation). However, other alleged violations of the Policy, including some allegations of sexual harassment, may be resolved using an informal resolution process overseen by one or more College representatives if (i) the College determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate.

The parties to any such informal process will not be required to deal directly with one another without the College's involvement. Instead, after an initial investigation of the complaint carried out by the appropriate staff members, the complainant and the Title IX Coordinator or other College official selected by the College may agree to attempt to resolve the complaint informally. The Title IX Coordinator and the complainant may agree to seek an informal resolution of the complaint by meeting with the respondent, maintaining anonymity if appropriate or possible. The Title IX Coordinator can also arrange for any current member of the College faculty, staff or student community to be asked to assist with the informal process by meeting with both parties separately or together.

At that time, the relevant College official will share the investigative report with both parties if such a report has been completed as of that time. A College official will discuss with the complainant the outcome of the steps taken through the informal procedures. If the complainant is satisfied, the informal procedure is completed and the resolution will be documented.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution procedure would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution. Finally, as described above, the College may elect to pursue a formal resolution procedure even if the complainant does not wish to bring the matter to a Hearing Panel.

Formal Resolution Grievance Panel Procedure

Notice of Hearing

The Title IX Coordinator or his/her designee will provide any statements from the complainant and respondent along with the Investigation Report to the Chair of the Hearing Panel. Unless the Hearing Panel determines in its discretion that more time is required, any hearing will be held within 21 days of the completion of the Investigation Report and its submission to the Title IX Coordinator unless the College determines that additional time is required. Both parties will be informed in writing of the date, time, and location of the hearing and will be informed of the names of persons serving on the Hearing Panel. The parties will be given at least 14 days advance notice of the hearing unless the Title IX Coordinator determines that less time is appropriate or required in a given situation. If the alleged victim of a sexual assault elects not to request or participate in a hearing, the College reserves the right to take the matter to a hearing, in which the College will be a party to the hearing.

Either party may request that the hearing be rescheduled at any time and must specify the reasons for the request. The Title IX Coordinator or his/her designee for the case will determine whether to grant the request.

Either party may ask that a member of the Hearing Panel be removed if the party believes that person has bias, conflict of interest or cannot be fair and impartial. These requests must be received in writing by the Title IX Coordinator or his/her designee within 3 days of notification of the hearing.

Composition of the Hearing Panel

Hearings to address complaints alleging violations of the Policy by students will be conducted by a Hearing Panel, except that the Dean of Students or his or her designee may conduct a hearing in extraordinary circumstances if the Hearing Panel cannot reasonably be convened or if the College determines that an alternative process is appropriate under the circumstances. The Hearing Panel shall consist of three persons that are drawn from the Grievance Board, a pool of no fewer than 6 faculty members and staff members from the College community who have received training in College policies, the dynamics of sexual misconduct and other prohibited interpersonal misconduct, the determination of credibility, and the preponderance of the evidence standard. In addition to these three persons, the Hearing Panel will also have a Chair who will be selected from the Grievance Board and who will be a non-voting member of the Hearing Panel.

Prior to the Hearing

The Title IX Coordinator or his/her designee will offer to meet individually with the parties to answer any questions and explain the process as soon as possible after issuing the notice of hearing.

Each party may choose to have an advisor of his or her choice accompany him or her to the hearing and any related meeting or proceeding, so long as the advisor does not have a conflict of interest based upon his or her involvement with carrying out the Investigation and Grievance Procedures set

forth above. Such an advisor may speak privately to their advisee, but such an advisor may not present evidence, question witnesses, or otherwise participate directly in the hearing or related meeting. This advisor does not represent a party at the hearing and does not have an active voice during the proceedings, but can provide advice during the hearing or during adjournments and breaks.

Witness, Impact and Character Statements

Each party may submit a list of witnesses to the Title IX Coordinator or his/her designee up to 7 days prior to the hearing date. Character witnesses called by either party may be allowed at the Hearing Panel's discretion. If a party wishes to call as a witness an individual who was not interviewed in the course of the investigation, the party must provide in writing a rationale for including that witness. The Chair of the Hearing Panel, in consultation with the other members of the Hearing Panel, will determine whether that witness may be called, or will ask that the investigator interview the witness as well. If a witness cannot or feels that s/he should not appear during the hearing s/he must submit a short written explanation to the Title IX Coordinator at least 3 days prior to the hearing. The final approved witness list will be shared with the parties at least 2 days prior to the Hearing.

Both parties may prepare and present impact statements and letters attesting as to character in sealed envelopes to the Chair of the Hearing Panel at the outset of the hearing. These statements will be used solely by the Dean of Students for the purposes of determining any appropriate sanctions after the Hearing Panel concludes its deliberations.

Grievance Hearing

Attendance

Hearings will be closed to anyone who is not directly involved in the case as a party, advisor of the party's choice (as described above), Investigator, witness, Hearing Panel member, or other appropriate individual. The College recognizes that both parties have the right to engage legal representation at their own expense. Unless present as a party's advisor of choice, attorneys are not permitted to be present during a Hearing Panel proceeding. Both parties, however, may petition the Chair of the Hearing Panel for a recess during which to consult with their attorney by phone, e-mail, or other means if their attorney is not present as their advisor of choice. The College may at its discretion designate its own attorney to be present or otherwise available during proceedings before the Hearing Panel and provide legal counsel to the Chair and the Hearing Panel members. During the hearing, each party may present only witnesses who were named in the list distributed or otherwise approved by the Chair of the Hearing Panel in advance of the hearing. Witnesses will be present only during their period of testimony and questioning.

Either the complainant or the respondent may request to participate in the hearing through a method that limits or does not require physical presence in the hearing room. For instance, either party may participate using technology or they may request the use of partitions in the hearing room. Witnesses may also participate using technology. Such requests must be reviewed in advance by the Chair of the Hearing Panel to ensure that they do not compromise fairness and equity. The complainant and respondent will have equal access to information before and during the hearing and an equal opportunity to present witnesses and information at the hearing. The College will arrange for audio-recording the entire Hearing; this recording will be the property of the College and is not distributed to the parties. The Hearing Panel's deliberations will not be recorded.

Sequence of Hearing

1. The hearing will begin with the Chair calling the hearing to order, explaining the process and providing an opportunity for all parties to ask procedural questions.
2. The Chair reminds the parties that the proceedings are confidential as required under FERPA and asks each person present to state their name and role for the record.
3. The investigator presents a summary of the information and evidence gained through the investigation process. The complainant will then ask questions of the investigator until there are no further questions. The respondent will then ask questions of the investigator until there are no further questions. The Hearing Panel may then ask questions of the investigator. The questioning will continue until both parties and the Hearing Panel have no further questions. The investigator then leaves the room.
4. The complainant may present his or her account of the events, followed by questions from the respondent. The respondent is not permitted to address the complainant directly, but may present written questions for the complainant to the Chair, who will determine whether the questions are relevant and appropriate and, if so, read them aloud for the complainant to respond. The Chair will have the discretion to deny questions that are inflammatory or otherwise not appropriate. The Hearing Panel may then ask questions of the complainant. The complainant will then present his or her witnesses, with each witness presentation to be followed by questions by the respondent. Questions to witnesses need not be in writing but the Chair retains discretion to determine relevancy and appropriateness of the questions asked. The Panel will then ask questions of each witness. After each witness' initial presentation and questioning, the Chair will query the parties and the Panel as to whether they have any further questions for that witness. Once the parties and the Panel have completed their questioning for a witness, the witness is escorted from the room but will remain available for additional questioning until released by the Chair.
5. The respondent may present his or her account of the events, and the same process will be followed as in (4) above.

6. Both the complainant and the respondent may make brief summary statements, in that order, or the Hearing Panel chair may read their written statements aloud. The Hearing Panel then may recall any party or witness for further questions. After the summary statements and the recall of witnesses are completed, the Chair will close the hearing and dismiss the parties and witnesses.
7. At the conclusion of the hearing, the Hearing Panel will meet in closed session to make a decision on the case by majority vote. College counsel may remain in the room but will neither vote nor participate in the deliberations. The Chair may participate in the deliberations but may not vote.
8. The Hearing Panel's decision will rest on whether or not the respondent was found in violation of the Policy, based solely on the evidence presented at the hearing. The Hearing Panel will use a preponderance-of-the-evidence standard (i.e., whether it is more likely than not that the respondent violated the Policy).
9. The Panel will notify the Dean of Students and Title IX Coordinator of its decision. As noted above, both parties have been permitted to provide impact statements and letters attesting to character in sealed envelopes to the Chair of the Hearing Panel at the start of the Hearing Panel. These statements will be conveyed to the Dean of Students along with the Panel's decision.
10. To the greatest extent possible, the complainant and respondent will be notified contemporaneously/simultaneously of the outcome of the hearing by the Chair of the Hearing Panel within 24 hours of the conclusion of the Panel's deliberations.

Sanctions & Corrective Action

Upon reviewing the Hearing Panel's decision and any impact or character statements submitted by the respondent and/or the complainant, and/or, upon receiving an election to accept responsibility, the Dean of Students will determine what, if any, sanctions will be imposed and will notify each party in writing of any sanctions and when they go into effect. Each party will be notified in writing by the Dean of Students within 4 days of the completion of the Dean's deliberations unless the Dean of Students determines that additional time is required. The Dean of Students will also provide a copy of his or her decision regarding sanctions to the Title IX Coordinator.

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the complainant (and others, if appropriate). The range of potential sanctions/corrective actions that may be imposed includes but is not limited to the following: written or verbal apology, discrimination or harassment education, verbal or written warning, probation, suspension, and dismissal from the College. When a student is found responsible for sexual assault, which is one form of prohibited sexual misconduct under this Policy, the following sanctioning guidelines will be utilized. In all cases, however, the sanctions assigned to a student found responsible will depend on the full context in which the offense takes place. For instance, repeat offenders can expect to be assigned more severe sanctions than if they did not have

prior offenses. Offenders who commit multiple offenses in a single episode can expect to be assigned more severe sanctions than they would have been assigned had they committed fewer offenses. The presence of aggravating factors such as the use of force, the use of a weapon, the involvement of multiple perpetrators, intimidation or intentional incapacitation will also lead to more severe sanctions. These guidelines address standard sanctions. In some cases, additional sanctions may be assigned.

Sexual Assault: Non-consensual Sexual Intercourse

Sanctions for non-consensual sexual intercourse will normally range from multi-term suspensions to expulsion from the College.

Sexual Assault: Attempted Sexual Intercourse

Sanctions for attempted sexual intercourse will normally range from probation to expulsion.

Sexual Assault: Touching

Sanctions for non-consensual sexual touching will normally range from probation to expulsion.

In no event will the complainant in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, or other sexual misconduct be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the College is unable to take disciplinary or other corrective action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

Appeal Process

Each party has the right to submit a written appeal to the Dean and Provost of the College within 10 days of being notified of the Hearing Panel's decision or of the Dean of Student's decision regarding sanctions, whichever comes later. Appeals may be filed on grounds of relevant, substantive and new information not available at the time of the hearing, alleged bias of the Chair or members of the Hearing Panel, material procedural error, or on the grounds of an excessively harsh or lenient sanction. Within 7 days of receiving the appeal, the Dean and Provost of the College or his/her designee will determine whether the grounds for appeal have been met and notify the parties. The party that did not initiate the appeal will have 7 days to submit a written response. Within 14 days of receiving this written response, (a) the appeal will be reviewed by a three person panel ("the Appeal Panel") consisting of the Dean and Provost of the College or his/her designee and two members of the Grievance Board who did not participate in the initial hearing; and (b) the Appeal Panel will notify the parties in writing of the outcome of the appeal.

The appeal is not a de novo review and will be based on the materials submitted by the parties and the record of the original hearing. If new and substantive evidence has arisen, the appeal panel can remand the case to the original hearing panel for reconsideration and a new determination. Both

parties will be informed simultaneously/contemporaneously in writing of the outcome of any appeal within three days of the conclusion of the appeals review. Appeal decisions by the Appeal Panel are final.

Records Maintenance

The College will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act, and to the extent possible excludes personally identifiable information of victims of domestic violence, dating violence, and stalking.

The hearing audio-recording and evidence presented at the hearing will be maintained by the Title IX Coordinator and will be property of the College. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

Changes in this Policy

The College reserves the right to make adjustments and changes in this policy at any time.

2016-2017 Academic Year Comprehensive Policy

Policy Against Discrimination & Harassment

It is the policy and commitment of Augustana College to provide an environment free from discrimination based upon race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, or any other classification protected by law in matters of admissions, employment, housing, or services or in the educational programs or activities operated by the College.

Harassment, whether verbal, physical, or visual, that is based on any of these characteristics is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence (*see* Policy Against Sex Discrimination, including Sexual Harassment & Sexual Misconduct, and Other Interpersonal Misconduct).

Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal harassment:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects.
- **Physical harassment:** physical contact including touching, hitting, pushing or other aggressive contact. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of physical harassment.
- **Sexual harassment:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

Conduct may be considered harassment if:

- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this Policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, a Title IX Coordinator.

SCOPE OF POLICY

This Policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

REPORTING PROCEDURES

Sexual or other harassment can occur intentionally or unintentionally. A member of the Augustana community who feels harassed by an employee of the College, a student, or a third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that his or her actions are offensive to you and that those actions must stop

- If the offensive behavior does not stop, **or if you are not comfortable communicating directly with the person**, you should advise your manager or supervisor, or any member of the Office of Human Resources, a Title IX Coordinator, the Dean of Students Office, or a member of the Residential Life staff. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should be factual and contain as much specific information as possible.
- Additional reporting options are outlined for sex discrimination. Please see the College's Policy Against Sex Discrimination, including Sexual Harassment & Sexual Misconduct, and Other Interpersonal Misconduct.

All complaints of harassment or discrimination will be kept as confidential as possible. The College will promptly and thoroughly investigate alleged violations of this Policy Against Discrimination and Harassment and take any steps necessary to stop behavior that violates this Policy. The investigation and grievance procedures may vary depending on the type of discrimination reported, as well as the classification of the individual accused of a violation (i.e. student, employee or faculty member). If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, a Title IX Coordinator, the Dean of Students Office, or the General Counsel of the College.

RETALIATION PROHIBITED

It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. The College strictly prohibits retaliation against an employee or any other individual who opposes or reports in good faith any practices prohibited under this Policy, including bringing a complaint of discrimination or harassment, assisting someone with such a complaint, attempting to stop such discrimination or harassment, or participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes he or she has been subjected to or affected by retaliatory conduct for reporting a suspected violation of this Policy or participating in an investigation should report the concern immediately to the Director of Human Resources, the General Counsel, the Dean of Students Office or a Title IX Coordinator.

Policy Against Sex Discrimination, including Sexual Harassment and Sexual Misconduct, and Other Interpersonal Misconduct

INTRODUCTION

The purpose of this Policy is to provide a work and educational environment free from all forms of sex discrimination. Interpersonal relationships and interactions, especially those of an intimate nature, should be grounded upon mutual respect, open communication and clear consent. In order to foster respect for all members of our community, Augustana will not tolerate acts of sex discrimination.

POLICY AGAINST SEX DISCRIMINATION

Augustana College prohibits discrimination on the basis of gender in employment as well as in its education programs and activities, consistent with Title IX of the Education Amendments of 1972 ("Title IX"), and other applicable state and federal laws. It is the policy of the College to provide a work and educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this Policy and as otherwise prohibited by state and federal statutes. Acts of sexual misconduct, such as sexual assault and sexual violence, are also a form of sex discrimination and prohibited by Augustana College as well as state and federal laws.

SCOPE OF THIS POLICY

The College's prohibition against discrimination on the basis of sex applies to all students, faculty, administration and staff, to other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College.

This Policy applies to on campus and off campus conduct, including online or electronic conduct, when the off campus conduct: (a) occurs during a College sponsored employment or education activity or program; (b) adversely impacts the education or employment of a member of the College community; or (c) otherwise threatens the health and/or safety of a member of the College community.

SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature. This includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, where: (a) submission to or rejection of sexual conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity, or (b) such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

A person may be sexually harassed by a member of the same sex, or the opposite sex.

Examples of sexual harassment may include:

- Repeated comments about a person's physical appearance or gender
- Sexually suggestive gestures, remarks or insults
- Sexual assault
- Unwelcome sexual advances such as touching, patting, caressing, kissing
- Sexual propositions and sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions

Conversations or actions that are sexual in nature but part of a legitimate academic exchange of ideas or artistic performance may not constitute violations of this Policy.

In determining whether alleged conduct constitutes sexual harassment, the College will consider the totality of the facts and circumstances of the incident, including the nature of the alleged conduct and the context in which it occurred.

PROHIBITED SEXUAL MISCONDUCT

Augustana College affirms its commitment to promote sexual respect and maintain an environment free of sex discrimination. Sex discrimination includes acts of sexual misconduct described below, and these acts of sexual misconduct are prohibited by Augustana College. An attempt to commit the acts of sexual misconduct listed below, as well as assisting or encouraging such acts, may also be considered a violation of this Policy.

Sexual misconduct includes **sexual assault**, **inducing incapacitation for sexual purposes**, **sexual exploitation** and **domestic or dating violence**. These terms are defined below.

Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Involvement in any sexual contact when the victim is unable to **consent**. This includes intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
- Sexual 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 includes acts commonly referred to as "rape." Illinois law defines sexual penetration as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. 720 ILCS 5/Criminal Code of 1961

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes incapacitation due to (1) alcohol or drug consumption, (2) being asleep or unconscious, (3) a mental disability. Consent also cannot be given by those who are under the legal age of consent (17 years in Illinois). There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Consent cannot be assumed by: silence; lack of verbal or physical resistance or submission resulting from the use of force; a person's manner of dress; or the existence of a prior or current relationship. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent can be withdrawn at any time. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Illinois law defines consent in criminal sexual assault matters as "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent." 720 ILCS 5/11-1.70(a). The law further provides that a "person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct." 720 ILCS 5/11-1.70(c).

Inducing incapacitation for sexual purposes means using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact. This also includes causing or inducing a person, when consent is not present, to touch, fondle, or contact oneself or someone else in a sexual nature.

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information
- Exceeding the boundaries of consent
- Engaging in non-consensual voyeurism
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals
- Possessing, distributing, viewing or forcing others to view illegal pornography

OTHER PROHIBITED INTERPERSONAL MISCONDUCT

Other interpersonal misconduct prohibited by this Policy includes domestic violence, dating violence, and stalking.

Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

Individuals encompassed in these definitions include, but are not limited to: Persons who have or had a dating or **engagement relationship: persons who have or have had a social relationship of a romantic or intimate nature**; current or former spouses, domestic partners, parents, children, stepchildren and other persons related by blood or by current or prior marriage; persons who share or formerly shared a common dwelling; persons who have or allegedly have a child in common; persons who share or allegedly share a relationship through a child; and personal assistances and personal caregivers for the elderly or disabled.

Illinois law defines domestic or dating violence as physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation. 750 ILCS 60/101. Under Illinois law, harassment of a person that causes emotional distress can constitute domestic or dating violence. The following types of conduct shall be presumed, under Illinois law, to cause emotional distress: (1) creating a disturbance at the individual's place of work or school, (2) repeatedly telephoning an individual's place of employment, home or residence, (3) repeatedly following an individual about in public places, (4) repeatedly keeping an individual under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by the individual or by peering in an individual's windows, (5) improperly concealing a minor child from an individual, repeatedly threatening to improperly remove a minor child of an individual from his or her care, or (6) threatening physical force, confinement, or restraint on one or more occasions.

Stalking means engaging in a course 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. Conduct which can constitute stalking includes the following:

- Following a person where it is not reasonably accidental
 - Watching, remaining near or on, or entering the victim's property, residence, or place of employment
 - Threatening the victim
 - Not leaving the victim alone after they have requested to be left alone
 - Sending text messages or calling the victim on a continued basis
 - Using social media inappropriately to refer to or establish a relationship with the victim
- Illinois law defines stalking as a course of conduct, not a single act, that causes victims to "fear for their safety, fear for the safety of others and suffer emotional distress." 740 ILCS 21/5.

RETALIATION

Retaliation is strictly prohibited by Augustana College as well as Title IX. *Retaliation* is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has, in good faith, reported or disclosed an alleged violation of this Policy, filed a complaint, or testified, assisted, or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening,

coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

Acts of retaliation will result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination/misconduct. Termination of employment or suspension from the College are common sanctions for engaging in retaliatory conduct.

Reporting Policy Violations

VICTIM AND THIRD PARTY/BYSTANDER REPORTING

Anyone who feels that s/he has been the victim of sex discrimination, sexual harassment, sexual misconduct, or other interpersonal misconduct as defined in the Policy is encouraged to bring it to the attention of a Title IX Coordinator or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to file a report to a member of the Title IX Team, or utilizing the Campus Conduct Hotline or the College's electronic reporting option outlined below. Complaints will be treated as confidential as possible. This means that the Title IX team will share information gathered through reports and any investigation on a need to know basis only.

The Title IX team at Augustana College consists of the Title IX Coordinator, the Deputy Title IX Coordinators, and the Chief of the Office of Public Safety and Police. The Title IX team is responsible for ensuring the prompt and impartial review, investigation and resolution of all reports of alleged violations of the Policy, along with the provision of interim remedies and measures to support all individuals involved and to ensure that they are treated with dignity and care.

REPORTING OBLIGATIONS

With the exception of the confidential resources identified below, all College employees who receive a report of sex discrimination, sexual harassment, sexual misconduct or other interpersonal misconduct are obligated to promptly inform the Title IX Coordinator (whether the Chief Title IX Coordinator or one of the Deputy Title IX Coordinators) or the Office of Public Safety and Police, all the alleged details of the incident, unless they are expressly prohibited by law from disclosing such information. With the exception of students employed in Residential Life, Augustana College students who are also employed by the College are not included in this reporting requirement.

At Augustana, counselors in the Counseling Center and the Campus Pastors are not required to disclose the information as they have professional obligations to maintain the confidentiality of their clients. These employees can also help individuals understand their options for proceeding with their complaint. More information about these confidential resources is provided below. Confidential advisors (see below) are also not required to disclose information to the College.

TITLE IX COORDINATORS

Contact one of the College's four Title IX Coordinators with any questions about this Policy, or Title IX at Augustana College, or to file a complaint of sex discrimination, including sexual harassment or misconduct. The College's Chief Title IX Coordinator is Laura Ford (Director of Human Resources), who can be reached at 309-794-7452 or at lauraford@angustana.edu. While Ms. Ford is the Chief Title IX Coordinator, all of the following individuals serve as Title IX Coordinators for the College and may be contacted with questions, or receive complaints, as outlined below:

Chief Title IX Coordinator: Laura Ford, Director of Human Resources, 794-7452

As Chief Title IX Coordinator, Human Resources Director Laura Ford is responsible for enforcement of Title IX at the College. Laura can receive complaints from any individual regarding Title IX. Laura and her Human Resources staff will handle complaints of staff and administrative employee violations of Title IX, and will be responsible for ensuring all members of the community receive information regarding the College's prohibition of sex discrimination, the process for addressing concerns of sex discrimination, and education regarding the forms of sex discrimination.

Deputy Title IX Coordinator, Student Matters: Chris Beyer, Director of Residential Life, 794-2686

As a Deputy Title IX Coordinator, Chris Beyer is primarily responsible for organizing student training required under Title IX and receiving complaints related to student violations of Title IX. Chris can also receive a complaint of a violation of Title IX from any member of the Augustana community.

Deputy Title IX Coordinator, Student Investigations: Laura Schnack, Associate Dean of Students, 794-7533

As a Deputy Title IX Coordinator, Laura Schnack is primarily responsible for investigations when a student is accused of violating Title IX. Dean Schnack can also receive a complaint of a violation of Title IX from any member of the Augustana community.

Deputy Title IX Coordinator, Faculty Matters: Wendy Hilton-Morrow, Associate Dean of the College, 794-7313

As a Deputy Title IX Coordinator, Wendy Hilton-Morrow is primarily responsible for organizing faculty training required under Title IX and receiving complaints related to faculty violations of Title IX. Associate Dean Hilton-Morrow can also receive a complaint of a violation of Title IX from any member of the Augustana community.

Office of Public Safety & Police 794-7711

Tom Phillis, Chief of Police

Chief Phillis can receive a complaint of a violation of this Policy from any member of the Augustana community. Both assist in the investigation of complaints of Title IX violations under this Policy.

Campus Conduct Hotline

The College has a campus conduct hotline (1-866-943-5787) for individuals to report matters **anonymously**. This means that it is not necessary to disclose names or any other identifying information. Reports received through this hotline relating to alleged violations of the Policy Against Sex Discrimination will be forwarded to a Title IX Coordinator who will respond to the complaint. The College's ability to respond effectively may be limited if the reporter wishes to remain anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described above.

Electronic Reporting

Reports of a potential violation of this Policy may also be filed electronically at: www.augustana.edu/titleIX. An electronic report may be made anonymously. As noted, the College's ability to respond effectively may be limited if the reporter remains anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described above.

OFF-CAMPUS REPORTING

The College encourages all individuals who feel they have been victims of sexual misconduct or other interpersonal misconduct to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention preserves the full range of options, including the options of working through the College's grievance procedures and/or filing criminal complaints.

Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17th Street, Rock Island, telephone 309-779-5000. Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient.

A victim has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College or to pursue both processes consecutively or concurrently. A victim also has the right not to pursue any complaint. Unless deemed necessary by the Title IX team or requested by an alleged victim, the College will not contact law enforcement outside of the College Office of Public Safety and Police. In addition to having the option of pursuing a criminal complaint, victims also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar

orders issued by a criminal or civil court. For more information about such orders see <http://www.illinoisattorneygeneral.gov/women/victims.html>.

The Title IX team will assist victims with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request and with accessing all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Augustana's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. Students who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. The College's Title IX Coordinator and the Augustana College Office of Public Safety and Police are available to assist students with any reports they might wish to make to law enforcement authorities.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or visiting www2.ed.gov/about/list/ocr/complaintintro.html.

PRESERVING EVIDENCE

Victims are also reminded of the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining an order of protection. Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if he or she chooses not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual not shower, bathe, douche, smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, he/she can bring the unwashed clothing to the hospital or medical facility in a paper bag.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17th Street, Rock Island, telephone 309-779-5000.

Individuals who have experienced sexual misconduct are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other documents.

CONFIDENTIAL RESOURCES

Individuals who feel they have been victims of sexual misconduct may require time and support in reaching the decision as to whether to make formal complaints. There are confidential resources on campus and in the community available to individuals who do not wish to make a formal report to campus authorities or who wish to speak with a confidential resource in addition to making a formal report. Information disclosed to a confidential resource will not be shared with other individuals. These resources generally only report to the College the fact that an incident occurred without revealing any personally identifying information. This also means that disclosures to a confidential resource will not result in a College investigation into an incident. These confidential resources include:

Confidential resources on campus

[Counseling Services 309-794-7357](http://www.augustana.edu/counseling)

Counselors at Counseling Services can provide emotional and medical support in a safe and confidential space. They are not required to disclose your identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help you think through your options for filing a formal report.

[Campus Chaplains, Office of Campus Ministries, 309-794-7213](http://www.augustana.edu/campus_ministries)

Confidential Advisors

Through a partnership, the College has arranged for the availability of confidential advisors employed by Safe Path Survivor to provide emergency and on-going support to survivors of sexual assault.

Confidential resources in the community

Safe Path Survivor Resources of the Quad Cities – 24 Hour Free Crisis Line 309-797-1777 <http://famres.org/services/safepath-domestic-violence>

SafePath Survivor Resources of Family Resources is a community based program that serves the needs of women, men, children and families whose lives have been affected by domestic or sexual violence, human trafficking, or other violent crimes.

Illinois Domestic Violence Help Line 1-877-863-6338
<http://www.dhs.state.il.us/page.aspx?item=30275>

National Sexual Assault Telephone Hotline: 800-656-HOPE (4673)

Rape, Abuse, and Incest National Network: <https://www.rainn.org>

ADDITIONAL REPORTING INFORMATION

Timing of Report

The College encourages individuals to report as soon as practically possible, but there is no time limit on reporting. The College will undertake an investigation of past events, but it cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Augustana community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).

Amnesty

In order to encourage the reporting of alleged sexual or interpersonal misconduct, the College will not pursue disciplinary action against any student (including a Complainant or third party witness) who reports in good faith or is involved in the investigation of an alleged violation of this Policy and who has violated College policy regarding alcohol or other drugs, provided that such violations did not/do not place the health or well-being of any other person at risk. While disciplinary action will not typically be pursued for violations of the College's alcohol or drug policies in such circumstances, the College may pursue educational interventions where appropriate.

Investigation & Grievance Procedures: Alleged Student Violations

The College has established a Policy Against Sex Discrimination, including Sexual Harassment and Sexual Misconduct, and Other Interpersonal Misconduct ("Policy") that articulates conduct prohibited by the College. The Policy and these Investigation and Grievance Procedures outline the College's approach to addressing reports of suspected Policy violations by a student, taking into account the College's status as a private institution of higher education and its unique mission and culture. Because the College's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach to resolving alleged or suspected violations of the Policy is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with the various anti-discrimination laws that apply to its programs.

The College is committed to promptly, fairly, impartially, and equitably resolving alleged or suspected violations of the Policy. In most cases, the College's investigation and resolution of alleged violations, including the issuance of any sanctions, will typically be completed within 60 days. The College's ability to investigate in a particular situation, or the extent of the investigation in any given

situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances. In instances where an alleged or suspected victim of conduct that violates the Policy is unwilling or unable to file a complaint, the College, through a representative selected by the College, may elect to proceed with a complaint and to seek resolution of the complaint in accordance with the Investigation and Grievance Procedures described below or other process that resolves the complaint in a manner consistent with applicable law and relevant OCR or other governmental guidance. In any case, the unwillingness of an alleged victim to proceed with a complaint is not a violation of this policy.

These Investigation and Grievance Procedures ("Procedures") apply to all suspected or alleged violations of the Policy by students and will be used in place of the Augustana Code of Social Conduct or any other student conduct policies or procedures used to address other alleged misconduct involving students. In addition, any sanctions or other corrective actions imposed against students who violate the Policy shall be imposed pursuant to these Procedures, rather than pursuant to the Code of Social Conduct, Student Judiciary procedures, or any other set of policies and procedures governing student conduct, unless the College determines in its discretion that the Code of Social Conduct, Student Judiciary procedures, or other policy governing student conduct should be used to resolve a particular matter. In addition, the College may, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law. The College officials responsible for investigating and resolving alleged violations of this Policy in accordance with these Investigation and Grievance Procedures will receive annual training on issues related to sexual assault, dating violence, and domestic violence, and how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

CONFIDENTIALITY

In matters involving incidents of sexual misconduct or other interpersonal misconduct, victim requests for confidentiality will be respected to the extent allowable under federal and state law, and information pertaining to such incidents will be treated with sensitivity and disseminated with care when it is necessary to do so for purposes of conducting an investigation or taking appropriate corrective action. However, the College reserves the right (as permitted or required by applicable law) to issue timely warnings and make other announcements to the College community when the College determines that there is a serious or continuing threat to members of the college community or that there is another significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the College's campus. In making such announcements to students and employees, the College will withhold the names of victims as confidential to the greatest extent permitted by law. Under federal law, the College must report the occurrence of certain designated crimes that occur on campus or in certain other designated areas, including forcible and non-forcible sex offenses as defined by the federal government, in an annual security report that is submitted to the U.S. Department of Education. This annual security report does not include personally identifiable information.

Initial Response, Interim Measures, and Investigation

INITIAL RESPONSE

Upon receiving a report or complaint alleging a violation of the Policy, the Title IX Coordinator or his/her designee will provide the complainant a written statement of his/her rights and options under the Policy and these Procedures. The complainant will also be informed of the availability of a confidential advisor. Confidential advisors provide confidential emergency and on-going assistance to victims of sexual assault, and will be provided to a victim upon request. Confidential advisors are employees of Safe Path Survivor Resources of the Quad Cities. The Title IX Coordinator or his/her designee will also meet with the complainant and discuss fully the options afforded to him/her, the rights and responsibilities of both parties (including the right to be accompanied during any College grievance proceeding and any related meeting by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), identifying and locating potential witnesses, the Hearing Panel process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation, and the availability of interim measures and remedies. At that time, a written complaint may be filed by the complainant, but a written complaint is not necessary.

If a complainant at that time requests that his/her identity remain confidential or that the College not pursue an investigation, the College must still discharge its responsibility to take steps to foster an educational environment that is free of discrimination and

harassment for all members of the campus community. As a result, the College will seek to respect the complainant's request, but it must also take into account the seriousness of the alleged misconduct and threats to community safety. Factors that will be considered include the following:

- Whether there have been other sexual violence 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 student or others;
- Whether the sexual violence was committed by multiple perpetrators;
- Whether the student's report suggests there is an increased risk of future acts of sexual violence under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon;
- The age of the student subjected to the sexual violence; and
- Whether the College possesses other means to obtain relevant evidence.

If the College cannot abide by the complainant's requests for confidentiality, it will consult with the complainant and provide information about his or her chosen course of action, including any interim measures that will be taken to protect the complainant and ensure the safety of other students. The Title IX Coordinator will make the final determination regarding the College's ability to comply with a complainant's request for confidentiality. A decision to honor a request for confidentiality may limit the College's ability to fully respond to the matter, including pursuing disciplinary action against the alleged perpetrator.

As soon as practicable after the initial meeting with the complainant, the individual accused of violating the Policy (the "respondent") will also be notified that a complaint has been made unless the College determines that notifying the respondent is not necessary or appropriate under the circumstances. The respondent will also be informed of the options available to him/her, the rights and responsibilities of both parties (including the right to be accompanied during any College grievance proceeding and any related meeting by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), identifying and locating potential witnesses, the Hearing Panel process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies.

The respondent may elect to accept responsibility for all or part of the conduct alleged by the complainant. In that case, the Title IX Coordinator or designee may continue their investigation in order to provide additional information that may be relevant in determining any appropriate sanctions. If the respondent does not accept responsibility, the investigation process, as described below, will begin.

INTERIM MEASURES

Upon receipt of a report or complaint alleging a violation of the Policy, the Title IX Coordinator or his/her designee will work with all parties involved in an alleged incident to promptly undertake any appropriate interim measures to protect the safety of the campus community and will seek to provide remedies or accommodations for the parties that address their safety and well-being. Interim measures, accommodations, and remedies may include counseling services, obtaining and enforcing campus no contact orders, honoring an order of protection entered by a State court, provision of escorts, housing support, including residence or other living modifications, along with academic, dining, transportation, and campus work accommodations. In addition, the College may, at its discretion, impose an interim suspension or leave of absence in cases where the College believes there is risk of harm to others. Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible. The College will maintain as confidential any accommodations or interim measures provided to the complainant, to the extent that maintaining confidentiality will not impair the ability to provide the accommodations or protective measures. All parties will be informed that the College prohibits any retaliation against parties involved in reporting or witnessing allegations of violations of the Policy and that retaliation of that nature is grounds for disciplinary action.

INVESTIGATION

Depending upon the nature of the alleged or suspected Policy violation and the willingness of the respondent to accept responsibility, the Title IX Coordinator will initiate and coordinate an investigation of a reported violation of the Policy as soon as practical, appointing one or more campus officials who have been trained to conduct investigations.

The College is committed to undertaking prompt, thorough, impartial and fair investigations and to treating all individuals with respect and with sensitivity. The investigation of any suspected or alleged violation of the Policy will typically be completed and a resolution arrived at within 60 days of the filing of a complaint or the date on which the College becomes aware of a suspected or alleged violation of the Policy unless the College determines that additional time is required. The College will provide the parties with periodic updates regarding the status of the process. Extenuating circumstances could require the process to extend beyond that time frame and the College will determine in its discretion if such circumstances exist. If an extension is required, the College will inform both the complainant and the respondent of the delay and the reason for the delay.

The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amenable to pursuing an informal resolution and the matter is eligible for informal resolution, as discussed below. As part of the investigation, the investigator(s) will seek to interview both the complainant and the respondent, as well as any other witnesses who can provide relevant information. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's opportunity to benefit from the College's programs or activities.
- The names of other individuals who might have relevant information about the alleged actions and/or have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The respondent is also expected to provide as much information as possible in connection with the investigation.

Both parties are entitled to bring an advisor of their choice to any meeting or interview in connection with these Procedures, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. The role of the advisor of choice is limited to consulting privately with the party he/she accompanies.

Upon conclusion of the investigation, the investigator(s) will produce a report that summarizes and analyzes the relevant facts and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence) and shall provide such report to the Title IX Coordinator. This investigation report will be shared with the parties (to the extent permitted by FERPA and other applicable law) and will be used in either an informal or formal resolution procedure, as appropriate and as outlined below.

INFORMAL RESOLUTION PROCEDURE

Allegations of sexual misconduct, including allegations of sexual assault or sexual violence, may not be resolved using mediation as an informal resolution procedure. However, other alleged violations of the Policy, including some allegations of sexual harassment, may be resolved using mediation as an informal resolution procedure, when overseen by one or more College representatives if (i) the College determines, in its discretion, that mediation would be appropriate; and (ii) all parties agree to participate.

When mediation is used, the parties will not be required to deal directly with one another without the College's involvement. Instead, after an initial investigation of the complaint, the complainant and the Title IX Coordinator or other College official selected by the College may agree to attempt to resolve the complaint informally. The Title IX Coordinator and the complainant may agree to seek an

informal resolution of the complaint by meeting with the respondent, maintaining anonymity if appropriate or possible. The Title IX Coordinator can also arrange for any current member of the College faculty, staff or student community to be asked to assist with the informal process by meeting with both parties separately or together.

In all matters, the College will share the investigative report with both parties if such a report has been completed as of that time. A College official will discuss with the complainant the outcome of the steps taken through the informal procedures. If the complainant is satisfied, the informal procedure is completed and the resolution will be documented.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution procedure would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution. Finally, as described above, the College may elect to pursue a formal resolution procedure even if the complainant does not wish to bring the matter to a Hearing Panel.

Formal Resolution Grievance Panel Procedure

NOTICE OF HEARING

The Title IX Coordinator or his/her designee will provide any statements from the complainant and respondent along with the Investigation Report to the Chair of the Hearing Panel. Unless the Hearing Panel determines in its discretion that more time is required, any hearing will be held within 21 days of the completion of the Investigation Report and its submission to the Title IX Coordinator unless the College determines that additional time is required. Both parties will be informed in writing of the date, time, and location of the hearing and will be informed of the names of persons serving on the Hearing Panel. The parties will be given at least 14 days advance notice of the hearing unless the Title IX Coordinator determines that less time is appropriate or required in a given situation. If the alleged victim of a sexual assault elects not to request or participate in a hearing, the College reserves the right to take the matter to a hearing, in which the College will be a party to the hearing.

Either party may request that the hearing be rescheduled at any time and must specify the reasons for the request. The Title IX Coordinator or his/her designee for the case will determine whether to grant the request.

Either party may ask that a member of the Hearing Panel, the sanctioning official (the Dean of Students), or the appeal official (the Provost and Dean of the College) be removed if the party believes that person has bias, conflict of interest or cannot be fair and impartial. These requests must describe the reason for the challenge and must be received in writing by the Title IX Coordinator or his/her designee within 3 days of notification of the hearing. The Title IX Coordinator solely has the discretion to determine whether the challenge is valid and to make changes to the Hearing Panel the sanctioning official, or the appeal official.

COMPOSITION OF THE HEARING PANEL

Hearings to address complaints alleging violations of the Policy by students will be conducted by a Hearing Panel, except that the Dean of Students or his or her designee may conduct a hearing in extraordinary circumstances if the Hearing Panel cannot reasonably be convened or if the College determines that an alternative process is appropriate under the circumstances. The Hearing Panel shall consist of three persons that are drawn from the College's Committee on Harassment and Discrimination, which consists of no fewer than 6 faculty members and staff members from the College community who have received proper training. In addition to these three persons, the Hearing Panel will also have a non-voting Chair who will be selected from the Committee on Harassment and Discrimination.

PRIOR TO THE HEARING

The Title IX Coordinator or his/her designee will offer to meet individually with the parties to answer any questions and explain the process as soon as possible after issuing the notice of hearing.

Each party may choose to have an advisor of his or her choice accompany him or her to the hearing and any related meeting or proceeding, so long as the advisor does not have a conflict of interest based upon his or her involvement with carrying out the Investigation and Grievance Procedures set forth above. Such an advisor may speak privately to their advisee, but such an advisor may not present evidence, question witnesses, or otherwise participate directly in the hearing or related meeting. This advisor does not represent a party at the hearing and does not have an active voice during the proceedings, but can provide advice during the hearing or during adjournments and breaks to their advisee only. A confidential advisor may serve as a party's advisor of choice.

WITNESS, IMPACT & CHARACTER STATEMENTS

Each party may submit a list of proposed witnesses to the Title IX Coordinator or his/her designee up to 7 days prior to the hearing date. Character witnesses called by either party may be allowed at the Hearing Panel's discretion. If a party wishes to call as a witness an individual who was not interviewed in the course of the investigation, the party must provide in writing a rationale for including that witness. The Chair of the Hearing Panel, in consultation with the other members of the Hearing Panel, will determine whether that witness may be called, or will ask that the investigator interview the witness as well. If a witness cannot or feels that s/he should not appear during the hearing s/he must submit a short written explanation to the Title IX Coordinator at least 3 days prior to the hearing. The final approved witness list will be shared with the parties at least 2 days prior to the Hearing.

Both parties may prepare and present impact statements and letters attesting as to character in sealed envelopes to the Chair of the Hearing Panel at the outset of the hearing. These statements will be used solely by the Dean of Students for the purposes of determining any appropriate sanctions after the Hearing Panel concludes its deliberations.

GRIEVANCE HEARING

Attendance

Hearings will be closed to anyone who is not directly involved in the case as a party, advisor of the party's choice (as described above), Investigator, Hearing Panel member, any witness invited by the Hearing Panel. The College recognizes that both parties have the right to engage legal representation at their own expense. Unless present as a party's advisor of choice, attorneys are not permitted to be present during a Hearing Panel proceeding. The College may at its discretion designate its own attorney to be present or otherwise available during proceedings before the Hearing Panel and provide legal counsel to the Chair and the Hearing Panel members. The Chair of the Hearing Panel will determine which witnesses to invite to the hearing in advance of the hearing. Witnesses will be present only during their period of testimony and questioning.

Either the complainant or the respondent may request to participate in the hearing through a method that limits or does not require physical presence in the hearing room, and any such request will be submitted to the Hearing Panel for approval. For instance, a party could participate using technology or they may request the use of partitions in the hearing room. Witnesses may also participate using technology. Such requests must be approved in advance by the Chair of the Hearing Panel to ensure that they do not compromise fairness and equity. The complainant and respondent will have equal access to information before and during the hearing. The College will arrange for audio-recording the entire Hearing; this recording will be the property of the College and is not distributed to the parties. The Hearing Panel's deliberations will not be recorded.

Sequence of the Hearing

1. The hearing will begin with the Chair calling the hearing to order and explaining the process.
2. The Chair reminds the parties that the proceedings are confidential as required under FERPA and asks each person present to state their name and role for the record.
3. The investigator(s) presents a summary of the information and evidence gained through the investigation process. The Hearing Panel may then ask questions of the investigator(s). The investigator(s) will remain present throughout the hearing.
4. The Hearing Panel then questions the complainant. The respondent is not permitted to address the complainant directly, but may present written questions for the complainant to the Chair, who will determine whether the questions are relevant and appropriate

and, if so, read them aloud for the complainant to respond. The Chair will have the discretion to deny questions that are inflammatory or otherwise not appropriate. The Hearing Panel will then call and ask questions of each witness for complainant. Both parties will have the opportunity to ask relevant questions of any witnesses.

5. The Hearing Panel will question the respondent and witnesses for the respondent following the same process outlined in (4) above.

6. At the conclusion of the hearing, the Hearing Panel will meet in closed session to make a decision on the matter by majority vote. College counsel may remain in the room but will neither vote nor participate in the deliberations. The Chair may participate in the deliberations but may not vote.

7. The Hearing Panel's decision will rest on whether or not the respondent was found in violation of the Policy, based solely on the evidence presented at the hearing. The Hearing Panel will use a preponderance-of-the-evidence standard (i.e., whether it is more likely than not that the respondent violated the Policy).

8. The Panel will notify the Dean of Students and Title IX Coordinator of its decision.

9. To the greatest extent possible, the complainant and respondent will be notified simultaneously of the outcome of the hearing within 24 hours of the conclusion of the Panel's deliberations.

Sanctions & Corrective Action

Upon reviewing the Hearing Panel's decision and any impact or character statements submitted by the respondent and/or the complainant, and/or, upon receiving an election to accept responsibility, the Dean of Students will determine what, if any, sanctions will be imposed and will notify each party in writing of any sanctions and when they go into effect. Each party will be notified in writing by the Dean of Students within 4 days of the completion of the Dean's deliberations unless the Dean of Students determines that additional time is required. The Dean of Students will also provide a copy of his or her decision regarding sanctions to the Title IX Coordinator.

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the complainant (and others, if appropriate). The range of potential sanctions and corrective actions that may be imposed includes but is not limited to the following: written or verbal apology, discrimination or harassment education, verbal or written warning, probation, suspension, and dismissal from the College. Corrective actions taken by the College might also include, but are not limited to: providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations. Additional corrective actions for a complainant may include, but are not limited to, support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support.

When a student is found responsible for sexual assault, which is one form of prohibited sexual misconduct under this Policy, the following sanctioning guidelines will be utilized. In all cases, however, the sanctions assigned to a student found responsible will depend on the full context in which the offense takes place. For instance, repeat offenders can expect to be assigned more severe sanctions than if they did not have prior offenses. Offenders who commit multiple offenses in a single episode can expect to be assigned more severe sanctions than they would have been assigned had they committed fewer offenses. The presence of aggravating factors such as the use of force, the use of a weapon, the involvement of multiple perpetrators, intimidation or intentional incapacitation will also lead to more severe sanctions. These guidelines address standard sanctions. In some cases, additional sanctions may be assigned.

Sexual Assault: Non-consensual Sexual Intercourse

Sanctions for non-consensual sexual intercourse will normally range from multi-term suspensions to expulsion from the College.

Sexual Assault: Attempted Sexual Intercourse

Sanctions for attempted sexual intercourse will normally range from probation to expulsion.

Sexual Assault: Touching

Sanctions for non-consensual sexual touching will normally range from probation to expulsion.

In no event will the complainant in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, or other sexual misconduct be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the College is unable to take disciplinary or other corrective action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

Appeal Process

Each party has the right to submit a written appeal to the Dean and Provost of the College within 10 days of being notified of the Hearing Panel's decision or of the Dean of Student's decision regarding sanctions, whichever comes later. Appeals may be filed only on grounds of (1) relevant, substantive and new information not available at the time of the hearing, (2) alleged bias of the Chair or members of the Hearing Panel, (3) material procedural error, or (4) on the grounds of an excessively harsh or lenient sanction. The appeal must specifically state the grounds upon which it is made.

Within 7 days of receiving the appeal, the Dean and Provost of the College or his/her designee will determine whether the grounds for appeal have been met and will notify the parties. The party that did not initiate the appeal will have 7 days to submit a written response. Within 14 days of receiving this written response (a) the appeal will be reviewed by a three person panel ("the Appeal Panel") consisting of the Dean and Provost of the College or his/her designee and two members of the Committee on Harassment and Discrimination who did not participate in the initial hearing; and (b) the Appeal Panel will notify the parties in writing of the outcome of the appeal.

The appeal is not a de novo review and will be based on the materials submitted by the parties and the record of the original hearing. If new and substantive evidence has arisen, the appeal panel can remand the case to the original hearing panel for reconsideration and a new determination. Both parties will be informed simultaneously in writing of the outcome of any appeal within three days of the conclusion of the appeals review. Appeal decisions by the Appeal Panel are final.

RECORDS MAINTENANCE

The College will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act, and to the extent possible excludes personally identifiable information of victims of domestic violence, dating violence, and stalking.

The hearing audio-recording and evidence presented at the hearing will be maintained by the Title IX Coordinator and will be property of the College. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

Educational Programming

The College will provide the following education programming designed to promote the awareness of sexual assault, domestic violence, dating violence and stalking.

Employees with Responsibility for Receiving Reports of Violations of this Policy; Providing or Referring Services to Victims; and/or Adjudicating Alleged Violations of this Policy

- Training on at least an annual basis on the issues related to sexual assault, sexual violence, dating violence and stalking; and
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

PRIMARY PREVENTION AND AWARENESS PROGRAMS

The College will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- a statement that the College prohibits the offenses of discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, and a description of the College's policies that prohibit this conduct;
- the definition of consent and inability to consent, in reference to sexual activity, as defined in this Policy and under Illinois law;
- the definition of discrimination, harassment, including sexual assault, domestic violence, dating violence, and stalking (or similar offenses) in this Policy and under Illinois law;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of discrimination, harassment, sexual assault, domestic violence, dating violence and stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the procedures that a complainant/victim/survivor should follow if discrimination, harassment, sexual assault, domestic violence, dating violence and stalking has occurred, as described in this Policy, including options for a complainant/victim/survivor to report such incidents to a confidential advisor or other confidential resource;
- the possible sanctions and protective measures that the College may impose following a final determination of a violation of College policy regarding discrimination, harassment, sexual assault, domestic violence, dating violence and stalking;
- the procedures for College disciplinary action in cases of alleged discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, as described in this Policy, including the standard of proof that is used;
- information about how the College will protect the confidentiality of Reporting Parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the Reporting Party, to the extent permissible by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee accusers and victims both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by a complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus security or local law enforcement.

ONGOING PREVENTION AND AWARENESS CAMPAIGNS

The College will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

CHANGES IN THIS POLICY

The College reserves the right to make adjustments and changes in this policy at any time.

ATTACHMENT B: WRITTEN NOTIFICATION OF SURVIVOR'S RIGHTS AND OPTIONS



INFORMATION TO CONSIDER FOLLOWING A REPORT OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING OR OTHER SEXUAL MISCONDUCT

First and foremost, focus on your well-being. Augustana staff want to support you during this time, and the following information is intended to help you understand rights and options available to you. Know that what happened is not your fault. You are not responsible for the actions of others. No one has the right to hurt you or touch you against your will or without consent. No one deserves to be stalked. You should consider the following:

- a. Contacting a Rape Crisis Counselor at 1-309-797-1777. [Safe Path Survivor Resources](#) of the Quad Cities provides specialized support to Augustana students who are victims of sexual assault and domestic or dating violence, and stalking. The call will put you in touch with a Rape Crisis Counselor who can provide confidential personal support. This support can be provided on an emergency and on-going basis as a confidential advisor to you, upon your request.
- b. Contacting a Title IX Coordinator. The Title IX Coordinator can answer questions, connect you with appropriate resources, and conduct an investigation. Contact information for Title IX Coordinators is listed on the back of this page. You may reach out to any of the Title IX Coordinators listed. The Title IX Coordinator will also be able to explain the following:
 - The College's requirement to include reported violations in its Clery report and to submit an "incident report" to the campus community regarding the report; care will be taken to protect the identity of those involved.
 - The process for filing on-campus judicial charges, as well as contacting local law enforcement.
 - Obtaining accommodations to academic requirements such as class attendance, class schedules, as well as changes to residential, dining, working, and transportation situations. Other accommodations such as "no-contact orders" will also be discussed and considered. These accommodations are available for you to request regardless of your decision to pursue disciplinary action, whether on or off campus.
 - Explain any other resources that might be available to you and help connect you with the resources you request, such as on or off-campus health and mental health services, counseling, legal assistance or other advocacy services, visa or immigration assistance, financial aid assistance, etc.
 - Explain to you how confidentiality works under the College's policies and procedures.
 - Provide you with this written summary of your rights and options.
- c. Meeting with one of Augustana College's counselors. All members of our counseling staff, as well as college pastors, are confidential resources for you on campus. This means that you may talk with them confidentially at any time and they will not share your conversation with others on campus. The counselors can also help you understand the options available to you. Confidential advisors from Safe Path Survivor Resources are also available to you, and can provide emergency and on-going support to you confidentially.
- d. Going to the hospital for treatment. In addition to making sure that you have not been injured, the hospital may suggest a "rape kit", which is a process designed to collect evidence after a sexual assault has occurred.
- e. Reporting the incident to the Rock Island Police Department. A detective will speak with you about the incident and collect evidence. This could lead to the filing of criminal charges, but does not have to. The decision of notifying law enforcement authorities is yours. An Augustana Police/Public Safety officer will assist you in notifying the Rock Island Police if you request this.
- f. Making a report to Augustana Police/Public Safety (this may be done in conjunction with notifying the Rock Island Police Department). If you feel your safety is at risk, an Augustana Police/Public Safety officer will take steps to minimize the danger.
- g. Preserve Evidence. Evidence of sexual assault, dating violence, domestic violence, or stalking should be preserved as soon as possible, even if you are unsure about reporting to the College or filing criminal charges.

Please refer to the list of campus resources provided on the back of this page

Chief Title IX Coordinator: Laura Ford, Director of Human Resources, 794-7452



As Chief Title IX Coordinator, Human Resources Director Laura Ford is responsible for enforcement of Title IX at the College. Ford can receive complaints from any individual regarding Title IX. She and the Human Resources staff will handle complaints of staff and administrative employee violations of Title IX, and will be responsible for ensuring all members of the community receive information regarding the College's prohibition of sex discrimination, the process for addressing concerns of sex discrimination, and education regarding the forms of sex discrimination.

**Deputy Title IX Coordinator, Student Investigations:
Laura Schnack, Associate Dean of Students, 794-7502**



As a Deputy Title IX Coordinator, Laura Schnack is primarily responsible for investigations when a student is accused of violating Title IX. Schnack can also receive a complaint of a violation of Title IX from any member of the Augustana community.

**Deputy Title IX Coordinator, Faculty Matters:
Wendy Hilton-Morrow, Associate Dean of the College, 794-7313**



As a Deputy Title IX Coordinator, Wendy Hilton-Morrow is primarily responsible for organizing faculty training required under Title IX and receiving complaints related to faculty violations of Title IX. Dr. Hilton-Morrow can also receive a complaint of a violation of Title IX from any member of the Augustana community.

**Deputy Title IX Coordinator, Student Matters:
Chris Beyer, Director of Residential Life, 794-2686**



As a Deputy Title IX Coordinator, Chris Beyer primarily is responsible for organizing student training required under Title IX and receiving complaints related to student violations of Title IX. He also can receive a complaint of a violation of Title IX from any member of the Augustana community.