

## **Augustana College, Rock Island, Illinois 2017 Annual Security and Fire Safety Report**

### **Reporting crimes and other emergencies**

The Office of Police and Public Safety is a combination of sworn Augustana College police officers and non-sworn, unarmed Augustana College public safety officers. The police officers are employees of the college that have completed a certified police academy. These officers are the Chief and Deputy Chief of the department. They generally are on duty Monday-Friday from 7 a.m.-4:30 p.m. These police officers have the power to arrest on college property, at a college-sponsored event or if an offense is committed in their presence. However, in the rare occasions when an arrest or investigation of a felony offense is warranted, the Rock Island Police Department usually will be asked to intervene.

Augustana public safety officers are on duty 24 hours a day. They are non-sworn, unarmed employees of the college who report violations of the Code of Social Conduct directly to the Dean of Students. Although Public Safety staff will handle minor disturbances or disputes between students, they will contact Augustana's sworn officers or the Rock Island Police Department when circumstances indicate that physical contact might be necessary to control a given situation. The Office of Police and Public Safety has a close working relationship with the Rock Island Police Department, the Rock Island County Sheriff's Office and the Illinois State Police.

A student-operated transportation service, Augustana College Express Service (ACES) (ext. 7550), is available usually beginning the third week of fall term. Normal operating hours are between 7 p.m.-1:50 a.m. every day of the week. The van will take students to and from campus and nearby off-campus locations.

All members of the campus community are encouraged to immediately report criminal actions or emergency situations to the Office of Police and Public Safety and/or the Rock Island Police Department. Situations not requiring emergency response can be reported to Police and Public Safety, Residential Life, the Dean of Students or the Office of Student Life and Leadership for referral. A confidential incident report may be filed through the Dean of Students webpage. To contact Police and Public Safety, dial 309-794-7711. To contact local emergency services including ambulances, Rock Island Fire and Police Departments, dial 9-911 if calling from a campus phone or 911 if using a non-campus phone.

## **Annual Security Report**

By October 1 of each year, the Annual Security and Fire Safety Report must be distributed to all enrolled and prospective students and current and prospective employees. Distribution is completed by electronic mail.

The Annual Security and Fire Safety Report is posted on the Augustana website at <http://www.augustana.edu/student-life/security/crime-statistics>. The Chief of Police is responsible for publishing the annual security report. The Office of Police and Public Safety is responsible for gathering crime statistics from the department's report records and other college officials that have significant responsibility for student and campus activities. On an annual basis, the Office of Police and Public Safety makes every attempt to collect crime statistics for non-campus and public property surrounding college property from the law enforcement agencies. Included in the 2015 Annual Security Report are required statistics for domestic violence, dating violence and stalking.

## **Timely warnings**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act 20 U.S.C. § 1092(f) hereafter referred to as the Clery Act, Augustana College will issue timely warnings to notify members of the campus community about certain crimes, defined by the Clery Act, when such crimes occur on the Augustana College campus and the crime represents a serious or continuing threat to members of the campus community.

A timely warning shall be issued as soon as pertinent information is made available to the Augustana College Office of Police and Public Safety or a campus security authority.

The decision to issue a timely warning is made through a consultation between the Office of Police and Public Safety, the Office of the Dean of Students and other offices of the college as appropriate.

## **Emergency response and evacuation procedures**

Augustana College maintains all-hazards Campus Emergency Operation and Campus Violence Prevention Plans in coordination with local emergency response agencies. The Chief of Police or his/her designee will notify the campus community upon confirmation

of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the Augustana College community.

The validity of existing emergency situations will be confirmed by credible eyewitness reports from police and public safety officers and college employees. Other officials or emergency management personnel may need to be consulted regarding incidents such as severe weather conditions, hazardous materials spills or facility-related issues.

Once the type of emergency and emergency response required has been determined, emergency response resources will be contacted and the appropriate emergency notifications will be promptly disseminated via the emergency notification systems and other information pathways. Taking into account the safety of the community, a determination will be made as to the appropriate segment of the campus community to receive a notification.

After determining the content of the notification to be broadcast, Augustana College will initiate the emergency notification system. The emergency notifications will be made by Augustana College Police and Public Safety officials or the Office of Public Relations and will be disseminated via the college's E2Campus emergency notification network, voice mail alert, campus-wide email, and the college's official social media sites. If it is determined the emergency or dangerous situation threatens communities surrounding our campuses, local emergency services will be notified.

Emergency notifications may only be withheld if, in the professional judgment of the responsible authorities, the warnings will compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency.

Augustana College tests its emergency response and evacuation procedures on a quarterly basis. Each test is documented with the description of the exercise, date, time and whether it was announced or unannounced. Emergency tabletop exercises are conducted annually by Augustana College administrators and stakeholders in accordance with the Illinois Campus Security Enhancement Act of 2008 (110 ILCS 12/20). Through its efforts, Augustana College has been recognized by the State of Illinois and has received the [Ready to Respond](#) seal.

## **Security of and access to campus facilities**

*The following information is intended to outline the measures taken to ensure the safety and security of the various facilities on the Augustana campus.*

## **Academic buildings**

Each of the various academic buildings are locked down at their specified closing time (a detailed listing of the specific building closing times can be found in [Inside Augustana](#) by a staff member of the Office of Police and Public Safety. This procedure involves a complete walkthrough of the building and ensuring that all exterior entrances are secured. This lockdown is followed by a second check during the overnight hours.

## **Contractor procedures**

All outside contractors who find it necessary to enter any student living area are required to register with the Office of Police and Public Safety Dispatch Center on the lower level of Sorensen Hall on a daily basis. Any keys which are required by the contractor for the completion of the work are checked out on a daily basis by the contractor and are required to be returned at the end of the work day.

All Augustana employees who enter or work in student living areas are expected to be in uniform. Additionally, all employees are provided with a photo ID badge. In the event they are not in uniform they are expected to wear the photo ID on display.

## **Residence halls**

The five primary residence halls are secured 24 hours a day with access to the building lobby regulated via a proximity card access system. Additionally, each of the halls features a second level of security which restricts access to the student living areas to building residents. A full-time Residential Life staff member is on call 24 hours a day for emergencies that occur in either the residence halls or transitional living areas.

## **Transitional Living Area (TLA) housing**

Students living in other college-owned housing (transitional living areas) are expected to keep all exterior entrances to the residences locked 24 hours a day.

## **Camera Surveillance System**

Augustana College uses a network of security cameras to monitor the entryways of our residence halls as well as other high profile areas of the campus. These cameras are recorded in the Dispatch Center of the Office of Police and Public Safety. Dispatchers sometimes monitor these cameras but do not actively view them at all times.

## **Campus Law Enforcement Policy**

The Office of Police and Public Safety is a combination of sworn, armed Augustana College Police Officers and non-sworn, unarmed Augustana College Public Safety Officers.

These Police Officers received their authority from the Illinois Compiled Statutes, Private College Campus Police Act, Chapter 110, Act 1020, Section 1 which states, "The Board of Trustees of a private college or private university may appoint persons to be members of a campus police department. The Board shall assign duties, including the enforcement of college or university regulations, and prescribe the oath of office. With respect to any such campus police department established for police protection, the members of such campus police department shall be persons who have successfully completed the Minimum Standards Basic Law Enforcement Training Course offered at a police training school established under the Illinois Police Training Act, as such Act may be now or hereafter amended. All members of such campus police departments must also successfully complete the Firearms Training for Peace Officers established under the Peace Officer and Probation Officer Firearm Training Act. Members of the campus police department shall have the powers of municipal peace officers and county sheriffs, including the power to make arrests under the circumstances prescribed in Section 107-2 of the Code of Criminal Procedure of 1963, as amended, for violations of state statutes or municipal or county ordinances, including the ability to regulate and control traffic on the public way contiguous to the college or university property, for the protection of students, employees, visitors and their property, and the property branches, and interests of the college or university, in the county where the college or university is located. Campus police shall have no authority to serve civil process."

The Augustana Police Officers have jurisdiction within the State of Illinois with their primary patrol activity being the main Augustana campus located between 30<sup>th</sup> Street and 39<sup>th</sup> Street, and 5<sup>th</sup> Avenue and 14<sup>th</sup> Avenue, Rock Island, Illinois. Augustana Public Safety Officers have the same arrest authority as a citizen of Illinois.

## **Working relationship with state and local Law enforcement**

The Office of Police and Public Safety has a close working relationship with the Rock Island Police Department, the Rock Island County Sheriff's Office and the Illinois State Police. Reporting of criminal activity and alcohol-related violations that occur during events sanctioned by the college at off-campus locations is facilitated through contact with the police department of the city the event occurred.

## **Daily crime log**

The Dean of Students and the Office of Police and Public Safety publish an annual crime report. A daily log of reported crimes is maintained by the Office of Police and Public Safety and is available weekdays between the hours of 7 a.m.-4 p.m. at the Police and Public Safety Dispatch Center on the ground floor of Sorensen Hall.

## **Security awareness programs**

Beginning with orientation during the fall term and continuing throughout the year, security is a highly visible topic on campus. "Security Week" is held during the first few weeks of the fall term and serves to reinforce the introduction to safety issues which were presented during New Student Orientation. Throughout the year both the Offices of the Dean of Students, Residential Life, and Student Life and Leadership provides safety information for on- and off-campus residents.

Programs during the year range from involving members of single residence hall floors taking greater precaution when securing their rooms, to an all-campus speaker sharing insights about acquaintance rape. Other topics offered deal with alcohol use, drug abuse, maintenance of property/home security, sexual assault, situational liability for the safety of others and personal protection.

Each spring, information on safety issues is offered to students considering moving off campus. Juniors are required to attend this program, which educates students about the risks of living independently and provides practical information for creating safer environments.

The safest campus is one in which all members feel welcomed and respected. Augustana College is committed to providing an environment where not only behaviors that we normally define as "crimes" are reported, investigated and dealt with, but also behaviors that may cause members of our community to not feel welcomed. This goal must be balanced with the need for open expression of ideas, which is the foundation of serious academic study.

Behaviors that are insensitive to individuals or groups should be reported promptly to the Office of Police/Public Safety, Dean of Students or any Title IX Coordinator.

## Crime prevention programs

*Run-Hide-Fight* is a video released by the Department of Homeland Security with strategies on how to survive a mass shooting. This video is distributed to the campus community. The concepts are:

- Run if a safe path is available. Always try to escape or evacuate even if others insist on staying.
- Encourage others to leave with you but don't let the indecision of others slow down your own effort to escape.
- Once you are out of the line of fire, try to prevent others from walking into the danger zone and call 911.
- If you can't get out safely, find a place to hide.
- When hiding, turn out lights, remember to lock doors and silence your ringer and vibration mode on your cell phone.
- As a last resort, working together or alone, act with aggression, use improvised weapons and fight.

Augustana College has a program to assist students with traveling the campus at night. This program is the Augustana College Express Service or ACES. ACES operates from 7:00 p.m. to 1:50 a.m. seven days per week. This is a van shuttle service that will transport students to academic buildings, campus events, and to the residence of students who live off campus.

The Office of Police and Public Safety employs student workers to perform foot patrols of the campus. These patrols are conducted by a pair of students who are in radio contact with the Police/Public Safety Dispatch Center who mission is to observe and report any unsafe or unusual behavior they notice while on patrol.

Augustana has several Blue Light Emergency phones at strategic locations throughout campus. If these phone are activated the Augustana Dispatch Center receives the call and immediately dispatchers officers to the location.

Awareness Programs: programs, activities and speakers whose purpose is to increase student awareness of safety issues and motivate students to behave with greater attention to their safety and the safety of others.

Bystander Intervention: behaviors undertaken by third parties to stop a potential perpetrator from harassing, annoying or assaulting another person.

## **Drug and Alcohol Policy**

The presence of alcoholic beverages at college-recognized student organization events is subject to the following:

If alcoholic beverages are present at an event sponsored by an Augustana student organization, no one other than the person who purchased them (who must be at least 21 years of age) may consume them.

All student organizations shall be in accordance with state and local laws and college rules and regulations governing the consumption of alcohol. In particular, minors may not possess alcohol, and no student shall purchase for, serve to, or sell alcoholic beverages to others.

All officers of the recognized student organization, individually and collectively, as well as the organization itself, shall be responsible for the full compliance of their organization with this policy.

No student organization or individual is permitted to purchase alcohol for use by an organization (i.e., dues or spontaneous collections of money among members may not be used). However, organizational funds may be used to finance a catered event where alcohol is available for purchase from a licensed vendor on an individual basis. This policy prohibits the selling of items which allow the purchasers access to free or reduced priced alcoholic beverages. This includes but is not limited to tickets, wristbands, t-shirts, cups, etc.

No distilled spirits or bulk containers (e.g., kegs, party balls, wine cartons) of alcohol are allowed at any student organization function, except when provided and dispensed by a licensed vendor.

Non-alcoholic beverages and food must be available at any organizational function where alcohol is being consumed.

No event that includes the continued consumption of alcohol shall be planned or promoted under the name of Augustana College or any college recognized student organization. Prohibited events include bar/pub crawls, progressive drinking parties or themes, bar-hopping events, and competitive games or contests involving alcohol.

Student organizations planning to have alcohol at an academic event must register with the Office of Student Activities at least 48 hours prior to the event.

For many reasons, including the safety of students and the Illinois law that prohibits drinking for persons under 21, the college does not allow alcohol use on campus except in some transitional living areas (TLAs) and at special occasions catered by the Augustana Dining Service. The college advocates an atmosphere that encourages abstinence from alcohol to protect those who could be injured or annoyed by the behavior of persons who might use alcohol irresponsibly.

Still, recognizing the reality of alcohol consumption in our culture, the college respects the student's choice to drink legally and responsibly. Further, the college recognizes that some individuals who choose to use alcohol may develop difficulties in controlling their behavior, and that these persons may require professional assistance. In support of these concerns, the college offers a multifaceted program designed to educate the campus community about alcohol and encourage responsible decision-making concerning alcohol use while providing individual assistance to those who ask, or whose behavior indicates a possible abuse problem.

The Residential Life staff, along with the associate dean and vice president of Student Life and the Office of Student Life and Leadership, offers a variety of educational programs throughout the year that address alcohol use. Augustana observes Alcohol Awareness Week and provides special activities during this time. GAMMA, a part of the college's Greek system, promotes responsibility in the use of alcohol and provides a yearlong sequence of social events designed to show students that they can have fun without abusing alcohol.

The college's primary means of monitoring the use of alcohol by students occurs in the residence halls. Because of their proximity to students, the Residential Life staff is in a position to observe problem behaviors and have conversations about the abuse of alcohol. Community advisors are trained to intervene through one-on-one contacts and to make referrals to their residence director or area coordinator. For violations of the Code of Conduct, the Dean of Students may initiate judicial action.

Persons providing alcoholic beverages to students, either on or off campus, will be held responsible for the consequences of their actions. The college has imposed \$1,000 fines and otherwise penalized individuals providing alcohol to students when that conduct has jeopardized the health or physical safety of the recipient.

In regard to drugs, the college distinguishes between alcohol and other drugs.

### **Alcohol and illegal drug abuse**

The following policy was adopted in conformance with the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act

Amendments of 1989. The object of the policy is to provide a drug-free workplace and campus and to assist employees and students with problems related to alcohol and illegal drug abuse.

It is the policy of Augustana College that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited anywhere on its premises or property or as a part of any college-related activity. Any employee or student of the college found to have violated the above rule shall be subject to disciplinary action in accordance with published procedures up to and including dismissal. Where appropriate, the college reserves the right to refer individuals for treatment in lieu of disciplinary action.

Members of the college community are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances also may subject individuals to criminal prosecution and penalties that may include fines and/or incarceration. If the situation merits, the college will refer individual cases for appropriate legal action.

As a condition of employment or enrollment, all employees and students of Augustana College shall abide by the terms of this policy and will notify their supervisors and the Business Office (in the case of employees) or the Office of Student Life (in the case of students) of any criminal drug statute conviction for a violation occurring on the college premises or property, or as a part of any college-related activities. Notification must be made no later than five days after such conviction. For purposes of this policy, "conviction" means a finding of guilt or imposition of sentence, or both, by any federal or state judicial body. Failure to report such a conviction may result in immediate dismissal.

The term "controlled substance" as used in this policy means those substances included in Schedules I through V of Section 202 of the Controlled Substances Act. The term does not include the use of a controlled substance in conformation with a valid prescription or other uses authorized by law.

It also is the policy of Augustana College that the possession, use or distribution of alcoholic beverages on its premises or property or as a part of any college-related activities is prohibited. This includes alcoholic beverages found in lockers or residence hall rooms. An exception to this policy is that alcoholic beverages may be served and consumed by employees at special meetings or events which are catered by Augustana Dining Services or at which the Office of Student Life has approved the serving of such beverages. Also excluded are the private apartments of residence hall directors. An employee or student who violates this policy will be subject to discipline, up to and

including dismissal. Employees who report to work under the influence of alcohol will not be permitted to work that day and may be subject to further discipline.

Augustana College provides regular programming and materials aimed at alerting its students, faculty and staff to problems relating to alcohol and drug abuse. Included in this section is a chart summarizing the effects and health risks associated with the use of illicit drugs and alcohol. However, the primary resources utilized for the prevention and treatment of alcohol and drug abuse are professionals, agencies and clinics located within the Quad-City area.

The college takes the position that, except in matters of disciplinary referral, the decision to seek diagnosis and accept treatment for alcohol and drug problems is the responsibility of the employee and student. The decision to seek treatment will not be detrimental to job security or student status. Because supervisors, managers, department directors or chairs and most faculty are not professionally qualified to identify substance abuse, referrals by them are based on unsatisfactory job or school performance. At the point at which the college is involved, the right to confidentiality will be respected in both informal and formal procedures, insofar as possible.

**Frequently utilized local resources for evaluation are:**

**Al-Anon Information Service**

2033 E. 32nd Street  
Davenport, IA 52807-2050  
Phone: (563) 323-1521

**Genesis Addiction Recovery Center**

1401 West Central Park  
Davenport, Iowa 52803  
Phone: (563) 421-2900

**Alcoholics Anonymous Illowa Intergroup**

1706 Brady St., Suite 201  
Davenport, Iowa, 52803  
Phone: (309) 764-1016

**R.I. County Council on Addictions**

1607 John Deere Road  
East Moline, Illinois 61244  
Phone: (309) 792-0292

**Center for Alcohol and Drugs Services  
(CADS)**

1523 South Fairmount Street  
Davenport, Iowa 52801  
Phone: (563) 322-2667

**Riverside Retreat**

Trinity Medical Center - West  
2701 17th Street  
Rock Island, Illinois 61201  
Phone: (309) 779-3000

**Center for Alcohol and Drugs and  
Services (CADS)**

4230 11th Street, NW  
Rock Island, Illinois 61201  
Phone: (309) 788-4571

**National toll-free numbers concerned with alcohol and drug abuse are listed below:**

Alcohol and Drug Referral Hot Line, 1-800-252-6465

Al-Anon, 1-800-344-2666

Narcotics Anonymous World Services, 1-818-773-9999

National Drug & Alcohol Treatment Referral Service, 1-800-662-4357

There is a biennial review of the drug prevention program to determine its effectiveness, to implement changes in the program if they are needed and to ensure that its disciplinary sanctions are being consistently enforced. They will be conducted by the Health and Safety Committee with recommendations forwarded to the Business Office and to the Office of Student Life.

The following is provided to give a brief guide to the effects of alcohol and a variety of commonly abused drugs and to the criminal penalties that may accompany the conviction for the illegal manufacture, distribution, dispensing, possession or use of controlled substances.

### **Alcohol**

Alcohol consumption causes a number of marked changes in behavior. Even in low doses, alcohol can significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol can increase the incidence of a variety of aggressive acts, including spousal and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, also can lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than other children.

## **Informational Charts**

### Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<p><b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual</p> <p><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p>	5 gms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.</p> <p><b>3rd Offense or More:</b> Life imprisonment.</p>
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gms or more pure or 1 kg or more mixture	
<b>PENALTIES</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual</p>		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	<p><b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual</p>		
Flunitrazepam (Schedule IV)	30 to 999 mgs			
All other Schedule IV drugs	Any amount	<p><b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	Less than 30 mgs			
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

## Drugs of Abuse - Uses and Effects

U.S. Department of Justice  
Drug Enforcement Administration

				Dependence							
Narcotics Drugs	CSA Schedules	Trade or Other Names	Medical Uses	Physical	Psychological	Tolerance	Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
				Heroin	Substance I	Diamorphine, Horse, Smack, Black tar, Chiva, Negra (black tar)	None in U.S., Analgesic, Antitussive	High	High	Yes	3-4
Morphine	Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	High	High	Yes	3-12	Oral, injected			
Hydrocodone	Substance II, Product III, V	Hydrocodone w/ Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	High	High	Yes	3-6	Oral			
Hydro- morphone	Substance II	Dilaudid	Analgesic	High	High	Yes	3-4	Oral, injected			
Oxycodone	Substance II	Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	High	High	Yes	3-12	Oral			
Codeine	Substance II, Products III, V	Acetaminophen, Guaifenesin or Promethazine w/Codeine, Florinal, Fioricet or Tylenol w/Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-4	Oral, injected			
Other Narcotics	Substance II, III, IV	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex	Analgesic, Antidiarrheal, Antitussive	High- Low	High-Low	Yes	Variable	Oral, injected, snorted, smoked			

### Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

Some of these penalties are described in pages taken from the U.S. Department of Justice Drug Enforcement Administration Publication, "DRUGS OF ABUSE" - pub dt 2005. Additional information is available in the Human Resources Office, the Office of Student Life and the Tredway Library.

## **Drug and alcohol counseling services on campus**

On-campus counseling services are available in 206 Founders Hall. The Augustana counseling staff can perform limited drug and alcohol counseling on a case-by-case basis. Students that need intensive therapy are referred to local drug and alcohol counseling practitioners.

## **Sex Crime Prevention and Policy**

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"), the Illinois Preventing Sexual Violence in Higher Education Act, 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. The investigation and grievance procedures may vary, however, depending on the classification of the individual accused of a violation (i.e, student, employee or faculty member).

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.

The College welcomes reports and has jurisdiction to investigate any alleged violations of the policy regardless of whether the conduct happened on-campus or off-campus, so long as the conduct could interfere with or limit a person's ability to participate in or benefit from the College educational programs and activities. The College reserves the right to take any action it deems appropriate to address a situation of misconduct under this policy and provide the necessary resources to those individuals impacted, including

the broader College community, when necessary, even where one or more of the parties involved are not members of the College community.

## **DEFINITIONS OF 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 defined below. 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. Interpersonal misconduct, including domestic violence, dating violence, and stalking, is also prohibited by this Policy.

### **A. 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 creates a hostile environment based on sex if it 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 creating what a reasonable person in similar circumstances would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

A person may be sexually harassed by a person of any gender.

Examples of sexual harassment may include, but are not limited to:

- 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

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. A person's subjective belief alone that behavior is offensive does not necessarily mean the conduct rises to the level of a Policy violation. The behavior must also objectively meet the definition of prohibited sexual harassment. 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.

## **B. SEXUAL ASSAULT**

Sexual assault is a particular type of sexual harassment that involves actual or attempted sexual contact with another person without that person's consent. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another.

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.

### **Important information on consent**

Consent to engage in sexual activity must be informed, freely given, and mutual. Consent does not exist if a person is mentally or physically incapacitated so that such person cannot understand the nature or extent of the sexual situation or sexual activity. This includes incapacitation due to (1) alcohol or drug consumption, (2) being asleep or unconscious, (3) a mental disability.

Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact.

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.

If coercion, intimidation, threats, or physical force are used, there is no consent.

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.

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.

Whether a respondent reasonably should have known that a complainant was incapacitated will be evaluated using an objective person standard. The question is whether the responding party knew, or a sober, reasonable person in the position of the respondent, knew or should have known that the reporting party was incapacitated.

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). This definition shall also be considered in determining whether sexual assault occurred, including whether consent was present.

## **C. INDUCING INCAPACITATION FOR SEXUAL PURPOSES**

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.

## **D. SEXUAL EXPLOITATION**

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 stalking, domestic violence, and dating violence.

### **A. STALKING**

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.

1. "Course of Conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
2. "Reasonable person" means a reasonable person in the victim's situation; and
3. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **B. DATING VIOLENCE**

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, 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. It can include, but is not limited to:

- Sexual abuse or the threat of sexual abuse
- Battering that causes bodily injury
- Purposely or knowingly causing reasonable apprehension of bodily injury
- Emotional abuse creating apprehension of bodily injury or property damage

Dating violence does not include acts covered under the definition of domestic violence, below.

### **C. DOMESTIC VIOLENCE**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Individuals who can be 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 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.

## **RETALIATION**

Retaliation is strictly prohibited by Augustana College. Retaliation is action taken by an accused individual or any other individual 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 in the investigation process.

Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy or otherwise participating in the investigation process. Actions that are generally not considered to be retaliatory include slights and annoyances, "snubbing" a colleague or friend, or avoiding or not talking to a person. The College does not prohibit individuals from making disclosures about alleged violations of this policy, or their participation in the College's process, and such behavior is also not generally considered to be retaliation.

Acts of retaliation will be investigated and determined by the Chief Title IX Coordinator or his/her designee and will result in disciplinary action independent of any sanction imposed in response to the underlying allegations of discrimination/misconduct, and regardless of whether or not the underlying allegations were determined to be violations of this Policy.

## **Reporting Title IX 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. Reports 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 or otherwise become aware of sex discrimination, sexual harassment, sexual misconduct or other interpersonal misconduct are obligated to promptly inform the Title IX Coordinator (either 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 Pastor are not required to disclose the information obtained while serving in these roles 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@augustana.edu](mailto:lauraford@augustana.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. In addition to the Title IX Coordinators, the Office of Public Safety and Police can receive reports of Policy violations and oversees investigations of alleged Policy violations.

**Chief Title IX Coordinator: Laura Ford, Director of Human Resources, 309-794-7452**

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 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. Laura also responds to all reports of retaliation under this Policy.

**Deputy Title IX Coordinator: Chris Beyer, Director of Residential Life, 309- 794-2686**

As a Deputy Title IX Coordinator, Chris Beyer is primarily responsible for organizing student training required under 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: Laura Schnack, Associate Dean of Students, 309-794-7533**

As a Deputy Title IX Coordinator, Laura Schnack is primarily responsible for overseeing the College's response when a student has reported a violation or is accused of violating this Policy. Dean Schnack can also receive a report of a violation of Title IX from any member of the Augustana community.

**Deputy Title IX Coordinator: Jessica Schultz, Associate Dean of the College, 309-794-7331**

As a Deputy Title IX Coordinator, Jessica Schultz is primarily responsible for organizing faculty training required under Title IX. Associate Dean Schultz can also receive a report of a violation of Title IX from any member of the Augustana community.

**Office of Public Safety & Police 309-794-7711, Tom Phillis, Chief of Police**

Chief Phillis can receive a complaint of a violation of this Policy from any member of the Augustana community. Chief Phillis oversees 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](http://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.

## **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**

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 Chaplain, Office of Campus Ministries, 309-794-7213**

### **Confidential Advisors**

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

### **Confidential resources in the community**

**Family Resources -Survivor Services of the Quad Cities – 24 Hour Free Crisis Line**  
309-797-1777 <http://www.famres.org/services/survivor-services>

Family Resources- Survivor Services 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

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

[Rape, Abuse, and Incest National Network](#)

## **OFF-CAMPUS REPORTING**

The College encourages all individuals who feel they have been victims of sexual misconduct or other interpersonal misconduct (also referred to as complainants) 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 complainant 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.

### **Rock Island City Police**

**Emergency Reporting – Dial “911”**

**Non-Emergency Reporting (309) 732-2677**

A complainant 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 [www.illinoisattorneygeneral.gov/women/](http://www.illinoisattorneygeneral.gov/women/)

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 at the [U.S. Department of Education](#).

## **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.

## **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 and 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 which applies to all members of the College community. The Policy and these Investigation and Grievance Procedures outline the College's approach to addressing reports of suspected Policy violations by a student. Investigation and grievance procedures vary based on the classification of the individual who is accused of violating the Policy. Allegations that a faculty member violated the Policy are governed by the investigation and grievance procedures outlined in Section 10 of the Faculty handbook. Allegations that a staff or administrative employee violated the Policy are governed by the investigation and grievance procedures generally outlined in the Employee Handbook. While the investigation procedures may vary, the rights and options afforded to individuals who report violations as outlined in this Policy relating to confidentiality, interim measures and accommodations, and the use of confidential advisors and advisors of choice will apply regardless of the classification of the individual who is accused of violating the

Policy. The College's investigation and grievance procedures take 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 its mission and 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. The College's investigation and resolution of alleged violations, including the issuance of any sanctions, will typically be completed within 90 calendar 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 participate in 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 formal 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 a minimum of 8 hours annual training on issues related to sexual assault, dating violence, and domestic violence, and how to conduct an investigation and hearing process that is fair, balanced, and equitable and promotes accountability.

## **CONFIDENTIALITY**

In matters involving incidents of sexual misconduct or other interpersonal misconduct, a request by an individual who is a victim 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 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 upon request. Confidential advisors are employees of Family Resources- Survivor Services 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, including the availability of interim measures and accommodations, the option to proceed with a formal complaint, the rights and responsibilities of both parties when a formal complaint is made (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 process of identifying potential witnesses, the Hearing Panel process, the prohibition against retaliation, and the need to preserve any relevant evidence or documentation.

Any time after this meeting, a Complainant may choose to file a formal complaint, which initiates the College's disciplinary process. Interim measures and accommodations are available to an individual regardless of whether that individual chooses to proceed with a formal complaint.

If a Complainant at that time requests that his/her identity remain confidential or chooses not to file a formal complaint and requests that the College not pursue an investigation, the College must still discharge its responsibility to understand what occurred and 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 and accommodations that will be taken to protect the Complainant and ensure the safety of other students, which are available regardless of whether a Complainant proceeds with a formal complaint. 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 Complainant files a formal complaint that reports a potential violation of the Policy, the individual accused of violating the Policy (the

“Respondent”) will be notified in writing that a complaint has been made. This notice will include known details such as the parties alleged to be involved, the specific section of the Policy that was allegedly violated, the conduct allegedly constituting the Policy violation, and the date and location of the alleged incident. This notice may be amended or supplemented as additional information becomes available. 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 process of identifying 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. A written response may be provided by the Respondent, but a written response is not required.

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, an interim ban from the College campus, or interim leave of absence in cases where the College believes that such action is appropriate after assessing all factors in a particular case, such as the risk of harm to others and the risk of disruption or interference with normal College operations. The College will maintain as confidential any accommodations or interim measures provided to the parties, 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 is grounds for disciplinary action. Interim measures and accommodations are available regardless of whether an individual chooses to file a formal complaint of a Policy

violation. When issued, however, interim measures have no bearing on the complaint process and do not suggest a finding of responsibility.

## **INVESTIGATION**

Depending upon the nature of the alleged or suspected Policy violation and any requests by the Complainant for confidentiality or an election not to proceed with a formal complaint, 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 90 calendar days of the filing of a formal 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 both parties with periodic updates regarding the status of the process. Extenuating circumstances often 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. Both parties will have equal procedural rights during the investigation and resolution of a complaint. Either party may report a conflict of interest on the part of the investigator to the Chief Title IX Coordinator and ask that the investigator be replaced. These requests must describe the reason for the challenge and must be received in writing by the Chief Title IX Coordinator within 3 calendar days of notification of the investigator. The College will determine whether a replacement of the investigator is warranted. 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 the investigator determines can provide relevant information. Each party will receive written notice in advance of any interview to allow for meaningful preparation. The College may audio-record interviews of any parties and witnesses; this recording will be the property of the College and is not distributed to the parties.

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 participate in or 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.

The prior sexual history of the Complainant or Respondent will never be used as evidence of character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this Policy has occurred and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent asserts that the conduct was consensual, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will only be permitted if it is probative of a material fact, for example to explain an injury or physical finding.

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 and will be used in either an informal or formal resolution procedure, as appropriate and as

outlined below. Each party will have an opportunity to respond to the investigation report either in writing or before the Hearing Panel. Written responses must be received by the College within 7 calendar days after either party has received the investigation report. The investigation report is treated as a confidential document, and is intended to be shared only with individuals who have a “need to know” its contents. All individuals are expected to honor the confidential nature of the report. Disciplinary action may be taken in the event the confidential nature of the report is disregarded by a party or individual in the proceeding.

## **INFORMAL RESOLUTION PROCEDURE**

Allegations of sexual misconduct, including allegations of sexual assault or sexual violence, may be resolved informally when overseen by one or more College representatives if (i) the College determines, in its discretion, that informal resolution would be appropriate; and (ii) all parties agree to participate.

If mediation is used to achieve an informal resolution, the parties will not deal directly with one another without the College's involvement and approval, and without the consent of all parties. 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 written statements from the Complainant and Respondent along with the Investigation Report to the Chair of the Hearing Panel. 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 calendar 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 participate in a hearing, the College reserves the right to take the matter to a 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, and will base the decision on factors such as the time of the request and the impact the requested change will have on all other parties and witnesses, as well as the Hearing Panel.

Either party may ask that a member of the Hearing Panel, the sanctioning official (the Dean of Students), or the appeal official (the Vice President of Diversity and Inclusion) 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 calendar days of notification of the Hearing Panel members. The Title IX Coordinator shall 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 faculty members and staff members from the College community who have received proper training. One of these three persons will be designated as the Chair 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 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 and CHARACTER STATEMENTS**

Each party may submit a list of proposed witnesses to the Title IX Coordinator or his/her designee up to 14 calendar days prior to the hearing date. Character witnesses are not allowed. If a party requests that a witness be heard at the hearing and that individual was not interviewed in the course of the investigation, the party must provide in writing a rationale for including that witness. The Title IX Coordinator or his/her designee 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 calendar days prior to the hearing. The final approved witness list will be shared with the parties at least 2 calendar 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, Title IX Coordinator, 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 Title IX Coordinator or his/her designee 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 Title IX Coordinator or his/her designee 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 and asks each person present to state their name and role for the record.
3. The Chair confirms that both parties have had an opportunity to review the investigation report.
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 inappropriate. The Complainant will have the opportunity to share with the Hearing Panel any questions or comments related to the investigation report. 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.
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.

10. Both during and after a hearing, neither the Respondent or the Complainant (or their advisors or representatives) may contact a member of the Hearing Panel about the hearing or the decision of the Hearing Panel. Any questions or concerns must be directed to a Title IX Coordinator and/or expressed in an appeal, as outlined below.

### **Sanctions and 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 simultaneously in writing of any sanctions and when they go into effect, along with a description of the appeal rights of the parties. The Dean of Students will also provide a copy of his or her decision regarding sanctions to the Title IX Coordinator. The College may designate an alternative individual for sanctioning should it determine that an alternative is required.

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 for any violation of this Policy includes but is not limited to the following:

- Verbal warning
- Written warning
- Mandatory discrimination or harassment training or education
- Mandatory counseling
- Disciplinary hold on academic and/or financial records
- Implementation of performance improvement process
- College campus access restrictions
- Housing restrictions on campus, class enrollment restrictions, other campus restrictions such as dining hours, library hours, etc.
- Ineligibility to participate in extra-curricular activities such as athletics
- Probation, suspension, and dismissal from the College
- Loss of oversight, teaching or supervisory responsibility
- Termination of College employment
- Suspension with or without pay
- Revocation of tenure

- Termination of contract (for independent contractors)

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 sanctions that are common in addition to any of the sanctions listed above. 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.

### **Sexual Assault: Non-consensual Sexual Intercourse**

Sanctions for non-consensual sexual intercourse may result in suspension to expulsion from the College.

Sexual Assault: Attempted Sexual Intercourse

Sanctions for attempted sexual intercourse may result in probation up to expulsion.

Sexual Assault: Touching

Sanctions for non-consensual sexual touching may result in probation up to expulsion.

In no event will either party 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 or of the alleged violation. 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 a Title IX Coordinator within 10 calendar days (a) of being notified of the Hearing Panel's decision or (b) 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.

The Title IX Coordinator will inform the parties whether the grounds for appeal have been met. The party that did not initiate the appeal will have 7 calendar days to submit a written response, at his or her choosing. Within 30 calendar days of the deadline for receiving this written response (a) the appeal will be reviewed by a three person panel ("the Appeal Panel") consisting of the Vice President of Diversity, Equity, and Inclusion 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 calendar 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. The finding is not referenced on a student's transcript.

### **Changes in this Policy**

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

## **Illinois Murderer and Violent Offender Against Youth Information**

The Illinois State Police have established a statewide Murder and Violent Offender Against Youth Database, accessible on the Internet, identifying violent offenders against youth who have been convicted of certain offenses and/or crimes against children must register as a Violent Offender Against Youth. More information about the registry may be found at <http://www.isp.state.il.us/cmvo/>

## **Weapons on campus**

Augustana College maintains a weapons- and firearms-free campus. "Campus" includes, but is not limited to, the Augustana College campus in Rock Island; a regional office located in Lombard, Ill.; field stations located throughout the state of Illinois; residential properties owned and controlled by Augustana located in Rock Island, including residence halls and transitional living areas; and sites, whether owned, leased or controlled by Augustana, where Augustana programs, activities and classes are held.

**Unless authorized by law or specifically exempted by Augustana College policy or federal or state law, no individual may possess a weapon or firearm while on the Augustana College campus.**

The provisions of this policy do not apply to: law enforcement officers required to carry a weapon for his/her employment, including sworn officers of the Augustana College Police Department, the use of simulated weapons or firearms in connection with Augustana College theatrical productions, or off-duty law enforcement officers on campus.

A weapon or firearm may be transported into a college-owned parking area if the weapon or firearm and its ammunition remain locked in a case out of view within the parked and locked vehicle. "Case" is defined as a glove compartment or console that completely encases the weapon or firearm and its ammunition, the trunk of the vehicle, or a weapon or firearm carrying box. The weapon or firearm may be removed only for the limited purpose of storage or retrieval from within the trunk of the vehicle. A weapon or firearm must be unloaded before removal from the vehicle. Any individuals arriving on campus with a licensed weapon or firearm who cannot store their weapon or firearm in their vehicle must immediately contact the Augustana College Police Department at 309-794-7711.

Violations of this policy may result in arrest and prosecution, as well as referrals to external law enforcement agencies. Additionally, any individual visiting campus found to

violate this policy may be banned from campus. Students in violation of this policy will be subject to discipline, up to and including, but not limited to, suspension from Augustana College. An employee found to violate this policy will be subject to discipline, up to and including, but not limited to, immediate termination of employment.

Signs are posted at main building entrances informing that concealed firearms are prohibited. Signs are in accordance with the design approved by the Illinois State Police.

## **Violence prevention**

While Augustana employs a dedicated group of public safety and police personnel, it is the job of each and every employee to assist in keeping our workplace and campus as safe as possible. Employees who receive or overhear any threatening communications from an employee or outside third party should report it to the Office of Police and Public Safety at once. Employees should not engage in either physical or verbal confrontation with a potentially violent individual. If an employee encounters an individual who is threatening immediate harm to an employee or visitor to our premises or to any worksite, contact our Office of Police and Public Safety at 309-794-7711 or an emergency agency, such as 911, immediately.

All reports of work-related threats will be kept confidential to every extent possible, investigated and documented. Employees are expected to report and cooperate with an investigation of any suspected and/or actual cases of workplace violence.

Violations of this policy, including an employee's failure to report or fully cooperate in the college's investigation, may result in disciplinary action, up to and including immediate termination.

## **Missing student**

If a member of the college community has reason to believe that a student who resides in on-campus housing, as defined by the Clery Act, is missing, he or she should immediately notify the Augustana Office of Police and Public Safety at 309-794-7711 or the Dean of Students Office at 309-794-7533. The Office of Police and Public Safety will generate a missing person report and initiate an investigation. After investigating the missing person report, should the Office of Police and Public Safety determine that the student is missing and has been missing for more than 24 hours, Augustana College will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Student's Office will notify the student's parent or

legal guardian immediately after it is determined the student has been missing for more than 24 hours. In addition to registering an emergency contact, students residing in on-campus housing, as defined by the Clery Act, have the option to identify confidentially an individual to be contacted by Augustana College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Augustana College will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Dean of Students Office.

## **Definitions of Clery Crimes**

### **Criminal homicide**

- Murder and non-negligent manslaughter. The willful (non-negligent) killing of one human being by another.
- Negligent manslaughter. The killing of another person through gross negligence.

### **Forcible sex offenses**

- Rape. The 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 offense includes the rape of both males and females.
- Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### **Non-forcible sex offenses**

- Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape. Sexual intercourse with a person who is under the statutory age of consent.

### **Robbery**

- The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **Aggravated assault**

- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used

that could and probably would result in serious personal injury if the crime were successfully completed.)

### **Burglary**

- The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

### **Motor vehicle theft**

- The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding).

### **Arson**

- Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Other offenses**

- Liquor law violations. The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

### **Drug abuse violations**

- Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine)

### **Weapon law violations**

- The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

### **Domestic Violence**

• (1) A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws or the jurisdiction in which the crime of violence occurred.

### **Dating Violence**

• Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (2) For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence.

### **Stalking**

• (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress. (2) For the purpose of this definition – (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Crime statistics**

<b>Offense</b>	<b>Year</b>	<b>Residential</b>	<b>On campus</b>	<b>Non campus</b>	<b>Public property</b>	<b>Totals</b>
<b>Murder/non-negligent manslaughter</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Negligent manslaughter</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0

	2015	0	0	0	0	0
<b>Rape</b>	2017	6	6	2	0	8
<b>Fondling</b>	2016	6	6	0	0	6
	2015	5	6	0	0	6
	2017	2	2	1		3
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Incest</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
<b>Statutory rape</b>	2015	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
		0	0	0	0	0
		0	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Aggravated assault</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	1	1	0	1	2
<b>Burglary</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	1	1	0	1	2
<b>Motor vehicle theft</b>	2017	0		0	0	
	2016	0		0	0	
	2015	0	1	0	0	1
<b>Offense</b>	<b>Year</b>	<b>Residential</b>	<b>On Campus</b>	<b>Non Campus</b>	<b>Public Property</b>	<b>Totals</b>
<b>Liquor law arrests</b>	2017	5	5	0	0	5
	2016	8	8	0	0	8
	2015	21	21	0	0	21
<b>Liquor law violations referred for disciplinary action</b>	2017	189	188	0	0	189
	2016	111	111	0	0	111
	2015	357	357	0	0	357
<b>Drug law</b>	2017	0	0	0	0	0

<b>arrests</b>						
	2016	0		0		
	2015	1	1	0	0	1
<b>Drug law violations referred for disciplinary action</b>	2017	49	49	0	0	49
	2016	54	54	0	0	54
	2015	76	77	0	0	77
<b>Weapons law arrests</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Weapons law violations referred for disciplinary action</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Hate crime--assaults</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Hate crime--intimidation</b>	2017	0	0	0	0	0
	2016	0	0	0		
	2015	0	0	0	0	0
<b>Offense</b>	<b>Year</b>	<b>Residential</b>	<b>On Campus</b>	<b>Non Campus</b>	<b>Public Property</b>	<b>Totals</b>
<b>Hate crime--property vandalism</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Dating violence</b>	2017	1		0	0	1
	2016	1	2	0	0	2
	2015	1	1	0	0	1
<b>Domestic violence</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

<b>Stalking</b>	2017	3	3	0	0	3
	2016	1	1	0	0	1
	2015	2	3	0	0	3
<b>Arson</b>	2017	2	2	0	0	2
	2016	0	0	0	0	0
	2015	0	0	0	0	0

## **Fire safety**

*The following information is provided in response to the Higher Education Opportunity Act of 2008 (PL-110-315).*

Augustana College strives to provide a safe residential environment particularly when it comes to fire safety.

The college employs a full-time staff member whose primary responsibility is to repair and maintain life/safety equipment. All fire safety systems are inspected annually by an independent contractor hired for that purpose.

In recent years the college has not reported injuries or loss of life as the result of a fire. The most recent occurrence involving a fire in a residential facility occurred in 2011.

### **Recent reports**

We responded to two (2) fires in 2017

### **Fire alarm log**

A log of all fire alarms is maintained by the Police and Public Safety dispatchers. This log is located in the Dispatch Center of the Office of Police and Public Safety located in the lower level of Sorensen Hall, 639 – 38<sup>th</sup> Street.

### **Fire safety training**

Early in the fall term each residential facility conducts a fire drill to familiarize residents with the evacuation procedures specific to their residence. Fire safety and evacuation procedures are also reviewed at the first community meeting. A poster outlining emergency procedures is posted in every student room.

Each fall, the fire department offers training in the use of fire extinguishers to members of the staff and faculty including members of the Residential Life staff.

Residents are not allowed to possess any items that may be a fire safety hazard. Such items include, but are not limited to candles, incense, grills (gas or charcoal), flammable liquids and fireworks. Wickless candles for use with candle warmers are allowed. Fire hazards will be confiscated and disciplinary action. Tampering with fire alarms, fire extinguishers, sprinklers, security camera, exit signs, and emergency exit doors are a serious offense and could cause bodily harm or death if any emergency occurred and equipment was not in the intended place or condition.

Fire and security equipment are in place for the safety of the community. Students are not allowed to interact with any safety equipment. Students who observe vandalism and who do not report it to Residential Life staff members may be considered an accomplice.

### **Fire safety systems in student housing**

Augustana employs a variety of fire protection systems in residential housing. Each facility is listed below with specific information regarding the method/means utilized.

S — Sprinklers -building is equipped with a sprinkler system

HW — Hard Wired detectors within the structure are linked and connected to 110v

B — Battery. Detectors are battery equipped

FP — Facility is regulated through a fire panel on site but is not linked to central station

FPM — Fire Panel Monitored structure is linked into a central station in Public Safety and monitored 24/7

Andeberg	FP
Anderson	FPM
Andreen	S/FPM
Ansvar	B
Arbaugh	FPM
Asgard	HW
Austin	B
Baldur	HW
Bartholomew	FPM
Bellman A&B	HW
Bergman	HW

Bostad	FP
Branting	HW
Bremer A&B	FP
Celsius	HW
Delling	HW
Erickson Hall	S/FPM
Erfara	B
Esbjorn	FPM
Forseti	FP
Freya	FP
Gustav A&B	HW
Hanson	B
Heimdahl	B
House On Hill	FPM
Idun	B
Jansson	B
Karsten	HW
Larsson	HW
Levander	FP
Lindgren A&B	B
Local Culture	HW
Martinson A&B	B
Milles	HW
Moberg	HW
Naeseth (1-5)	FPM
Nobel	HW
Oden	FP
Ostara	B
Parkander S.	S/FPM
Parkander N.	S/FPM
Roslin A&B	HW
Ryden	FPM
Sanning	B/R
Seminary Hall	S/FPM
Skadi	B

Swanson Commons S/FMP

Swedenborg HW

Thor B

Tyr HW

Vidar HW

Westerlin Hall S/FPM

Wicksell B

Zorn HW