

Preventing Sexual Violence in Higher Education Act 2019 Annual Report

Augustana College

Completed by Laura Schnack

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PART A

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

- Augustana College’s comprehensive policy (*see Attachment A* for the 2018-2019 academic year & *Attachment B* for the 2019-2020 academic year); and
- Augustana College’s concise, written notification of a survivor’s rights and options under its comprehensive policy (*see Attachment C*).

PART B

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

| Program Name | Type/Description | Date(s) | Location(s) | Target Audience | Number of Attendees |
|--|--------------------|---------|-------------------|---------------------------|---------------------|
| Bystander Intervention Training | In person training | 1/8/19 | Augustana College | Men’s Soccer & Golf Teams | 43 |
| Bystander Intervention Training | In person training | 1/15/19 | Augustana College | Women’s Soccer Team | 19 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Alpha Sig & OZO | 20 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Beta Omega Sigma | 10 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Gamma Alpha Beta | 11 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Delta Omega Nu | 20 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Rho Nu Delta | 25 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Phi Omega Phi | 17 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Chi Alpha Pi | 35 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Phi Rho | 36 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Delta Chi Theta | 39 |

| | | | | | |
|--|--------------------|---------|-------------------|--------------------------|------|
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Sigma Pi Delta | 27 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Chi Omega Gamma | 30 |
| Delta Series – Intervene Bystander Intervention Training | In person training | 3/19/19 | Augustana College | Zeta & LT | 24 |
| Sexual Assault Prevention | Online training | 8/1/19 | Augustana College | All students | 2400 |
| Policy Training | In person training | 8/20/19 | Augustana College | Community Advisors | 65 |
| Policy Training | In person training | 8/29/19 | Augustana College | Student Admissions Staff | 25 |

b. Employee Training

| Program Name | Type/Description | Date(s) | Location(s) | Target Audience | Number of Attendees |
|---|--------------------|---------|------------------------------|---------------------------------------|---------------------|
| Intersection of Alcohol/Other Drugs & Sexual Assault Prevention | Webinar | 2/14/19 | Augustana College | Hearing Panel Members & Title IX Team | 4 |
| Mock Hearing Panel Deliberations | In person training | 3/1/19 | Augustana College | Hearing Panel Members & Title IX Team | 28 |
| Friday Conversation | In person training | 3/22/19 | Augustana College | Faculty | 25 |
| The Neurobiology & Traumatic Impact of Sexual Assault | Webinar | 4/25/19 | Augustana College | Hearing Panel Members & Title IX Team | 21 |
| Avoiding Bias in Decision Making | Webinar | 7/23/19 | Augustana College | Hearing Panel Members & Title IX Team | 24 |
| Hearing Panel Training – Effects of Trauma | In person training | 8/7/19 | Augustana College | Hearing Panel Members & Title IX Team | 22 |
| Neurobiology of Sexual Assault | Webinar | 8/19/19 | Augustana College | Hearing Panel Members & Title IX Team | 6 |
| Policy Training | In person | 8/20/19 | Augustana College | Community Advisors | 65 |
| Remaining Trauma Informed in an Era of Changing TIX Regulations | Webinar | 8/20/19 | Augustana College | Hearing Panel Members & Title IX Team | 5 |
| Annual Training with Confidential Advisors | In person training | 9/30/19 | Augustana College | Confidential Advisors | 5 |
| Annual Training for TIX Team Members | In person training | 11/8/19 | Monmouth College (host site) | Title IX Team | 8 |

II. Reports

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

| | Reports to the Title IX coordinator/responsible employees | Reports to confidential and anonymous resources |
|-------------------|---|---|
| Sexual Violence | 23 | 44 (12 also reported information to Title IX) |
| Domestic Violence | 0 | 19 |
| Dating Violence | 2 | 7 |
| Stalking | 5 | 2 |

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

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

| | Survivor requested not to proceed with the complaint resolution procedure | Augustana College investigated allegation | Augustana College referred allegation to local or State law enforcement | Augustana College resolved allegation through complaint resolution procedure |
|-------------------|---|---|---|--|
| Sexual Violence | 15 | 8 | 0 | 7 |
| Domestic Violence | 0 | 0 | 0 | 0 |
| Dating Violence | 2 | 0 | 0 | 0 |
| Stalking | 5 | 0 | 0 | 0 |

b. Complaint Resolution Procedure Outcomes

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

| | Found not responsible for violation of comprehensive policy | Dismissed/expelled | Suspended | Otherwise disciplined |
|-------------------|---|--------------------|-----------|--|
| Sexual Violence | 1 | 0 | 1 | 4 (parties participated in an informal resolution) |
| Domestic Violence | 0 | 0 | 0 | 0 |
| Dating Violence | 0 | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 | 0 |

ATTACHMENT A: 2018-19 ACADEMIC YEAR COMPREHENSIVE POLICY

Policy Against Discrimination & Harassment

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

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

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

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

Conduct may be considered harassment if:

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

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

SCOPE OF POLICY

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

REPORTING PROCEDURES

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

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

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

RETALIATION PROHIBITED

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

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

INTRODUCTION

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

POLICY AGAINST SEX DISCRIMINATION

Augustana College prohibits discrimination on the basis of gender in employment as well as in its education programs and activities, consistent with Title IX of the Education Amendments of 1972 ("Title IX"), 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 Policy Violations

VICTIM AND THIRD PARTY/BYSTANDER REPORTING

Anyone who feels that s/he has been the victim of sex discrimination, sexual harassment, sexual misconduct, or other interpersonal misconduct as defined in the Policy is encouraged to bring it to the attention of a Title IX Coordinator or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to file a report to a member of the Title IX Team, or utilizing the Campus Conduct Hotline or the College's electronic reporting option outlined below. 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. 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. 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
<http://www.dhs.state.il.us/page.aspx?item=30275>

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

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

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 <http://www.illinoisattorneygeneral.gov/women/victims.html>.

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

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

Augustana's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. Students who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers

recourse through law enforcement officials and the courts. The College's Title IX Coordinator and the Augustana College Office of Public Safety and Police are available to assist students with any reports they might wish to make to law enforcement authorities.

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

PRESERVING EVIDENCE

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

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

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

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.

ATTACHMENT B: 2019-20 ACADEMIC YEAR COMPREHENSIVE POLICY

Policy Against Discrimination & Harassment

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

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

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

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

Conduct may be considered harassment if:

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

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

SCOPE OF POLICY

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

REPORTING PROCEDURES

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

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

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

RETALIATION PROHIBITED

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

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

INTRODUCTION

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

POLICY AGAINST SEX DISCRIMINATION

Augustana College prohibits discrimination on the basis of gender in employment as well as in its education programs and activities, consistent with Title IX of the Education Amendments of 1972 ("Title IX"), 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 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

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| <u>Important Information on Consent</u> |
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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) the use or influence of alcohol or drugs, (2) being asleep or unconscious, or (3) a mental disability. Incapacitation due to drug or alcohol use is a state beyond drunkenness or intoxication. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. Facts that will be considered in determining a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Control over physical movements (for example, inability to or difficulty with walking or standing without assistance);
- Awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in a sexual interaction);
- Ability to effectively communicate (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so. When determining whether a person has the capacity to provide consent, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) could or could not consent to the sexual activity. Use of drugs or alcohol by the respondent is not a defense against allegations of sexual misconduct and does not diminish the personal accountability of the respondent.

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. When determining whether a person has provided consent for sexual activity, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) consented to the sexual activity.

If coercion, intimidation, threats, or physical force are used, there is no consent. Coercion refers to behavior that would compel an individual to do something against their will. Coercion may involve intimidation, manipulation, or threats of severely damaging consequences. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. When determining whether a person has been subjected to coercion, the College will consider whether a sober, reasonable person in the same position would have felt coerced to participate in the sexual activity. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of the behavior, (b) the intensity of the behavior, (c) the duration of the behavior, and (d) severity of the threats or consequences. Consent 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.

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.

D. 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.

E. 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 Policy Violations

VICTIM AND THIRD PARTY/BYSTANDER REPORTING

Anyone who feels that s/he has been the victim of sex discrimination, sexual harassment, sexual misconduct, or other interpersonal misconduct as defined in the Policy is encouraged to bring it to the attention of a Title IX Coordinator or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to file a report to a member of the Title IX Team, or utilizing the Campus Conduct Hotline or the College's electronic reporting option outlined below. 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. 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. 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

<http://www.dhs.state.il.us/page.aspx?item=30275>

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

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

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 <http://www.illinoisattorneygeneral.gov/women/victims.html>.

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

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

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

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

PRESERVING EVIDENCE

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

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

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

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.

Policy Updated: July 24, 2019

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

Information to Consider Following a Report of Sexual Assault, Dating Violence, Domestic Violence, Stalking or Other Sexual Misconduct at Augustana College

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

- a. **Contacting the local 24-hour rape crisis hotline at 1-309-797-1777.** Family Resources Survivor Services provides specialized support to Augustana students who are victims of sexual assault and domestic or dating violence, and stalking. The call will put you in touch with a Sexual Assault Advocate who can provide free, **confidential** personal support. This support can be provided on an emergency and on-going basis as a confidential advisor to you, upon your request.
- b. **Meeting with one of Augustana College's counselors.** All members of our counseling staff, as well as the College's pastor, are **confidential resources** for you on campus. This means that you may talk with them confidentially at any time and they will not share your conversation with others on campus. The counselors can also help you understand the options available to you. You can schedule an appointment by calling 309-794-7357.
- c. **Confidential advisors from Family Resources Survivor Services are also available to you, and can provide emergency and ongoing support to you confidentially.** Open office hours are held each week for students who would like to meet with a confidential advisor. You can contact the on-campus Confidential Advisor at 563-468-2324.
- d. **Going to the hospital for treatment.** In addition to making sure that you have not been injured, the hospital may suggest a "rape kit", which is a process designed to collect evidence after a sexual assault has occurred. This is available to you free of charge under Illinois law and will not be billed to insurance.
- e. **Reporting the incident to the Rock Island Police Department at 309-732-2677.** A detective will speak with you about the incident and collect evidence. This could lead to the filing of criminal charges, but does not have to. The decision of notifying law enforcement authorities is yours. An Augustana Police/Public Safety officer will assist you in notifying the Rock Island Police if you request this.
- f. **Making a report to Augustana Police/Public Safety** (this may be done in conjunction with notifying the Rock Island Police Department). If you feel your safety is at risk, an Augustana Police/Public Safety officer will take steps to minimize the danger.
- g. **Preserve Evidence.** Evidence of sexual assault, dating violence, domestic violence, or stalking should be preserved as soon as possible, even if you are unsure about reporting to the College or filing criminal charges. These may include, but are not limited to, clothing worn during the incident, text messages, social media feeds, or photographs.

- h. **Contacting a Title IX Coordinator.** The Title IX Coordinator can answer questions, connect you with appropriate resources, and conduct an investigation. Contact information for Title IX Coordinators is listed on the back of this page. You may reach out to any of the Title IX Coordinators listed on the back of this page. The Title IX Coordinator will also be able to explain the following:
- The College's requirement to include reported violations in its Annual Security Report and to submit an "incident report" to the campus community regarding the report; care will be taken to protect the identity of those involved.
 - The process for filing on-campus judicial charges, as well as contacting local law enforcement.
 - Obtaining accommodations to academic requirements such as class attendance, class schedules, as well as changes to residential, dining, working, and transportation situations. Other accommodations such as "no-contact orders" will also be discussed and considered.
 - These accommodations are available for you to request regardless of your decision to pursue disciplinary action, whether on or off campus.
 - The College will maintain as confidential any accommodations or protective measures provided to the Complainant and Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.
 - Resources that might be available to you and help connect you with the resources you request, such as on or off-campus health and mental health services, counseling, legal assistance or other advocacy services, visa or immigration assistance, information about financial aid, etc.
 - How confidentiality works under the College's policies and procedures.
 - With the exception of the confidential resources outlined below, all College employees who receive a report of sexual misconduct are obligated to inform the Title IX Coordinator or Augustana Police/Public Safety. Once a report is received, the College will determine whether such a request is able to be granted. The College has an obligation to ensure the safety of all community members, which, in some circumstances, means a request for confidentiality or an incident not to be investigated cannot be granted. The Title IX Coordinator will work closely with the Complainant to ensure they are aware of their opportunity to participate in the investigation to the level they are comfortable with. If the College is able to grant a request for confidentiality, it is doing so with the understanding that an investigation and response may be limited in an effort to protect the identity of the Complainant.
 - If you are eligible for academic accommodations through Student Success Services, similar accommodations may be requested to allow full participation in the College's formal complaint procedures.

The College's Policy Against Sex Discrimination, including Sexual Harassment and Sexual Misconduct, and other Interpersonal Misconduct and accompanying procedures (available at www.augustana.edu/titleix) govern complaints of sex discrimination, sexual harassment, sexual violence (including sexual assault), domestic violence, dating violence, and stalking. These procedures:

- Will provide a prompt, fair, and impartial resolution of the complaint, under the evidentiary standard of preponderance of the evidence, i.e., more likely than not that the alleged conduct occurred.

- Are carried out by College officials who have received training on these issues and how to conduct an investigation and hearing process that promotes safety and accountability.
- Provide you and the Respondent the right to have an advisor of your choice accompany you to all aspects of the investigation and resolution process.
- Ensure that both you and the Respondent will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals.
- Prohibit retaliation by the Respondent or anyone else against you for making a complaint or against anyone else for participating in the investigation.

Title IX Coordinators:



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



Deputy Title IX Coordinator:

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 or is accused of violating the College's 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. Dr. Schultz can also receive a report of a violation of the College's policy from any member of the Augustana community.



Deputy Title IX Coordinator:

Chris Beyer, Director of Residential Life, 309-794-2686

As a Deputy Title IX Coordinator, Chris Beyer primarily is responsible for organizing student training required under Title IX. He also can receive a report of a violation of the College's policy from any member of the Augustana community.

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

Resources on campus trained to provide assistance are:

| | |
|--|-----------------|
| Augustana Public Safety and Police 24/7 | 309-794-7711 |
| City of Rock Island Police Department Non Emergency 309-732-2677 | Emergency "911" |
| Residential Life Staff Members by calling Dispatch at 309-794-7711 | On call, 24/7 |
| Augustana Student Counseling Center M-F 8:00 am - 4:30 pm & Emergency Appointments | 309-794-7357 |
| Augustana Campus Ministries M-F 8:00 am - 4:30 pm | 309-794-7213 |
| Title IX Coordinator, Dean of Students Office M-F 8:00 am - 4:30 pm | 309-794-7533 |
| Campus Confidential Advisor, Emilee Goad M-F 8:00 am - 4:30 pm | 563-468-2324 |
| Family Resources Survivor Services Confidential Advisors 24/7 | 309-797-1777 |