

KASKASKIA COLLEGE POLICY: Sexual and Gender Based Misconduct	#5.08	ORIGINAL APPROVAL DATE: February 27, 2017
SUBJECT AREA: Students		REVISED:

GENERAL POLICY STATEMENT

Kaskaskia College asserts the dignity and worth of every human being and the value of diversity as a source of its strength, including diversity of race, gender, sexual orientation, gender expression, ethnicity, national origin, culture, age, religion, disability and different perspectives of students, faculty, staff and administrators. Kaskaskia College is committed to providing a learning and working environment that is free from discrimination and harassment based on the above factors and one that promotes civility and mutual respect.

Pursuant to the above philosophy, Title IX of the Education Amendments of 1972, The Violence Against Women Act, and the Illinois Preventing Sexual Violence in Higher Education Act, Kaskaskia College strictly prohibits discrimination, harassment and other forms of sexual and gender based misconduct. This policy focuses on the prohibition of the above committed against students in all aspects of College operations, programs, and activities, including, but not limited to: unfair treatment based on sex, sexual harassment, sexual assault, sexual misconduct, and sexual violence against other students, employees, or other third parties that may be affiliated with Kaskaskia College. This policy and accompanying procedures are designed to address issues directed at students. Employees who feel that they have been discriminated against or harassed based on sex or other protected factors should refer to the College’s Non-Harassment policy and procedures.

TITLE IX COORDINATORS

To ensure compliance with applicable statutes and College policies and procedures, Kaskaskia College has appointed the following Title IX Coordinators:

Director of Human Resources
Office # 212, Administration Building
27210 College Road
Centralia, IL 62801
618-545-3018

Vice President of Student Services
Office # 113, HB Building
27210 College Road
Centralia, IL 62801
618-545-3013

Kaskaskia College students who have experienced behavior they believe violates this policy should report the conduct immediately to one or both of the above coordinators and seek all available assistance and remedies. Such matters may also be reported to the Kaskaskia College Safety and Security Department, as follows:

Safety and Security
Located at front of HB Building
27210 College Road
Centralia, IL 62801
618-545-3199

The Title IX Coordinators named above will work with the complainant to address the reported behavior, to ensure the complainant pursues the appropriate procedures for addressing the matter, to ensure a complete and thorough investigation is conducted and a resolution is completed, and to ensure that the complainant feels safe throughout the process.

IMMEDIATE ACTIONS TO BE TAKEN

In emergency situations, please call 911. Victims may call the SAFE Hotline at 1-800-625-1414 for assistance. Victims do not need to go through the situation alone – a friend, relative or crisis center representative can accompany and support individuals who have experienced sexual or gender based conduct. If an individual feels he/she has been the victim of any sex related offenses, after making a report to the offices above, and/or law enforcement, he/she should seek medical attention at a local hospital. Prior to receiving a medical examination, he/she should do everything possible to preserve evidence by making sure that the scene of the incident is not disturbed. This will help in ensuring that any criminal charges that are filed can be supported, although the decision to file criminal charges does not have to be made at the time the incident occurs. Victims should not bathe, urinate, douche, brush his/her teeth, or drink liquids until evidence can be secured. Clothes should not be changed, but if they are, the victim should bring all the original clothing to the hospital or law enforcement agency in a paper (not plastic) bag.

Local hospitals near Kaskaskia College include:

Fayette County Hospital
650 W. Taylor St.
Vandalia, IL 62471
618-283-1231

HSHS Holy Family Hospital
200 Health Care Dr.
Greenville, IL 62246
618-664-1230

HSHS St. Joseph Hospital
9515 Holy Cross Lane
Breese, IL 62230

618-526-4511

Salem Township Hospital
201 Ricker Dr.
Salem, IL 62881
618-548-3194

SSM Health St. Mary's Hospital
400 N. Pleasant Ave.
Centralia, IL 62801
618-436-8000

Washington County Hospital
705 S. Grand St.
Nashville, IL 62263
618-327-8236

COOPERATION BY LAW ENFORCEMENT

Kaskaskia College will comply and cooperate with all investigations conducted by law enforcement at the local, State, or federal level. Such cooperation may require the College to temporarily suspend the investigatory process of a preliminary investigation while law enforcement is in the process of gathering evidence. Upon the completion of such evidence gathering, and upon notification of the law enforcement body, the College will promptly resume its investigation. During law enforcement evidence gathering and during the College's investigation, the College will take interim steps to ensure the safety of the complaining party and the campus community.

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GRIEVANCE PROCEDURE

Notwithstanding the initial reporting of incidents previously outlined, all incidents of sexual discrimination, including sexual misconduct or retaliation should be reported to one of the Title IX Coordinators listed. The Title IX Coordinators will ensure that thorough, reliable, and impartial investigations are conducted on all Title IX complaints.

INVESTIGATION

Upon a report of a violation of this policy, one or both of the Title IX Coordinators shall conduct an investigation. If the Title IX coordinator(s) determine that certain actions are required prior to an investigation being completed, in order to protect the safety and/or rights of the complainant and/or the alleged perpetrator, they will pursue such actions and will notify the President and other College employees, as necessary, to implement such actions. An example of such action would be if the complainant and alleged perpetrator have classes together and arrangements are made for one of the parties to take the class remotely while the investigation is pending. While the investigation is pending, the Title IX Coordinator(s) may pursue other resources in order to help the Complainant, such as counseling services.

Upon an investigation being initiated by one or both Title IX Coordinator(s), the Coordinator will notify the complainant in writing that an investigation is being conducted and give a reasonable time limit for the initial investigation to be conducted. Typically, an initial investigation should be completed within ten (10) school days, but in some cases, additional time may be needed in order to complete it. The investigation will include, but not be limited to: interviews of the parties involved and any witnesses, review of relevant documents, e-mails, and text messages, and review of any other evidence gathered by the Title IX Coordinators or provided by the complainant or other witnesses.

Informal Procedures

Informal resolution procedures are optional. If complaints can be resolved informally, the situation does not involve sexual violence or non-consensual sexual acts, and both parties are agreeable to an informal resolution, then such procedures can be used. If either party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.

Formal Procedures

In situations involving sexual violence or non-consensual sexual acts between students, a formal complaint shall be filed by the complaining party with the Office of the Vice President of Student Services, which will follow established investigation and complaint resolution procedures. In cases where the accused is a College employee or third party, a complaint shall be filed with the Human Resources Office, which will follow established investigation and complaint resolution procedures.

When complaints involve violations of the Title IX policy, there shall be no applicable timeframe limitations on initiating a conduct process, notwithstanding any other College policies or procedures. The standard of proof for determining violations of this Policy shall be:

“Preponderance of the Evidence”, meaning that it is more likely than not that the accused violated this policy.

In all formal procedures involving allegations of violations of this Policy by students, the individuals involved in the adjudication of the complaint are required to have completed appropriate training approved by the Title IX Coordinator.

Definitions

- A. Sex Discrimination—behaviors and actions that deny or limit a person’s ability to benefit from, and/or fully participate in, the educational programs or activities or employment opportunities because of a person’s sex. Examples under Title IX include, but are not limited to, sexual harassment, sexual assault, and/or failure to provide equal opportunity in education programs, activities, and athletics.
- B. Sexual Harassment—unwelcome sexual advances, requests for sexual favors, and other verbal, physical, visual, or other expressive behaviors or physical conduct commonly understood to be of a sexual nature, when:
 - 1. Submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in other College activities;
 - 2. Submission to or rejection of such conduct is used as a basis for employment or academic decisions or assessments affecting the individual’s status as an employee or student; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s status as a student or employee or creates an intimidating, hostile, or offensive work or educational environment.

Examples of Sexual Harassment include, but are not limited to:

- a. physical/sexual assault

- b. direct or implied threats that submission to sexual advances will be a condition of employment, work or academic status, promotion, grades, or letters of recommendation
- c. repeated sexual flirtations, advances, or propositions
- d. the posting of sexually suggestive objects, pictures, cartoons, or posters
- e. suggestive or obscene letters, notes, or invitations
- f. comments of a sexual nature and/or sexually explicit statements, questions, jokes, or anecdotes
- g. offensive physical contact, such as patting, grabbing, pinching, or brushing against another's body

For conduct to be considered sexual harassment, it need not be direct or explicit. Sexual harassment can be implied from the conduct, circumstances, and the relationship of the individuals involved.

- C. Sexual Misconduct—Encompasses any sexual behaviors that violate Kaskaskia College's Title IX policy. In general, any harassing behavior or nonconsensual physical contact of a sexual nature may constitute sexual misconduct. Sexual misconduct may vary in its severity, and consists of a range of behaviors or attempted behaviors that may be grounds for student disciplinary action under College policy.

Examples of prohibited Sexual Misconduct under this policy include:

- 1. Nonconsensual sexual contact, which is defined as any intentional sexual touching without consent.
- 2. Nonconsensual sexual intercourse, which is defined as any sexual intercourse, however slight, with any object or body part, by a man or woman upon another man or woman, without consent.
- 3. Forced sexual intercourse, which is defined as unwilling or nonconsensual sexual penetration with any object or body part that is committed either by force threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

- D. Sexual Contact—Intentional contact with the breasts, buttocks, groin, or genitals of another person, or touching another person with any of these body parts, or making another person touch you or themselves with or on any of these body parts. Also includes any intentional bodily contact in a sexual manner, even where the touching does not involve the body parts listed above and intercourse, however slight.
- E. Sexual Exploitation—Occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, and that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to: prostituting another student and nonconsensual video or audio taping of sexual activity.

- F. Relationship Violence—Abuse or violence between partners or former partners involving the following: battering that causes bodily injury, purposely or knowingly causing reasonable apprehension of bodily injury, emotional abuse creating apprehension of bodily injury or property damage, repeated telephonic, electronic, or other forms of communication, anonymously or directly, made with the intent to intimidate, terrify, harass, or threaten.
- G. Stalking—Repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media or any other action device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.
- H. Consent—Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in determining what constitutes sexual misconduct. Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person’s manner of dress does not constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: 1) the person is incapacitated due to the use or influence of alcohol or drugs; 2) the person is asleep or unconscious; 3) the person is under age; or 4) the person is incapacitated due to a mental disability. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Coercion, force, or the threat of either invalidates consent.

Retaliation

Kaskaskia College strictly prohibits retaliation against any individual for using reporting procedures and remedies in this policy or for participating as a witness or assisting in any other way in any investigation or proceeding involving allegations of violations of this policy. Retaliation includes, but is not limited to, intimidation, threats, harassment, and any other adverse action threatened or taken against any complainant or any other third party because of the complainant or participation in the investigation and/or hearing process. The College will take all necessary actions in response to retaliation, up to and including termination, if the violation is by an employee and up to and including dismissal if the violation is by a student.

Confidentiality and False Reports

All inquiries, complaints, and investigations are treated with discretion and as much confidentiality as possible. Information is disclosed as law and policy permit and/or require. All parties in the complaint process are obligated to protect the privacy of all persons involved to the

extent possible, however, confidentiality cannot be guaranteed due to the College's duty to investigate and seek a resolution.

This policy also prohibits malicious and/or knowingly false accusations. The College will take all necessary actions in response to retaliation, up to and including termination, if the violation is by an employee and up to and including dismissal if the violation is by a student.

Training

College employees involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment and misconduct, or involved in the referral or provision of services to victims will receive annual education and training on pertinent topics. Students will also be provided training on sexual assault and misconduct awareness, as well as the measures to take in addressing these matters. All such training will be coordinated by the Office of the Vice President of Student Services.