

**PROCEDURES IMPLEMENTING THE EQNNGI GAU
POLICY PROHIBITING SEX DISCRIMINATION**

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- The conduct may have the effect of creating or contributing to the creation of a hostile environment for a member of the College community; or

Overseeing the College's response to all sex discrimination reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.

Ensuring the prompt and thorough investigation of all sex discrimination complaints.

Offering and coordinating appropriate supportive measures and ensuring the effective implementation of any remedies.

Ensuring that appropriate protocols are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.

Ensuring that adequate training is provided to students, faculty and staff on Title IX and related issues.

Monitoring students' participation in academic programs and extracurricular activities, including athletics, to identify and proactively address issues related to possible sex discrimination.

Collaborating with appropriate College officials to assess the campus climate regarding Title IX through surveys and other instruments and to analyze the data collected through such surveys and instruments.

Maintaining appropriate records of sex discrimination reports and complaints.

Questions regarding these Procedures or the College's compliance with Title IX and related laws should be directed to the Title IX Coordinator. References in these Procedures to the Title IX Coordinator include any individual designee that the Title IX Coordinator may delegate to perform specific duties.

B. Human Resources

Human Resources will ren5JETQt6(yslR([())4(rn/F1 18re)7(n(rn(include)4()4091/F1 12 091q0.00000912 0 61

Different employees on campus have different notification obligations when they receive information about conduct that may reasonably constitute sex discrimination. The following sections detail the various reporting options for students, employees and other individuals, along with the applicable notification requirements for each option.

1. Reporting to the Title IX Coordinator

Individuals are encouraged to report alleged incidents of sex discrimination to the Title IX Coordinator directly. The College's Title IX Coordinator(s) are:

Santina Swiger
Executive Director Human Resources
Kishwaukee College
21193 Malta Road
Malta, IL 60150
Telephone: (815) 825-9732
Email: sswiiger@kish.edu

Michelle Rothmeyer1 0 0 1 207.65 543.22 Tm0 g0 GBMC 0 g146.06 486.07 91.344 0.60001 ref* EMC

7. Student Involvement Office
8. Full-time staff members
9. Coaches of college athletic teams
10. Advisors of the following student clubs/organizations officially recognized by the College: Student Government Association, Phi Theta Kappa, National Society of Leadership and Success, Alpha Delta Nu, Black Student Union, Business Club, Criminal Justice Club, Educators Rising, ESports and Gaming Club, Floral Club, Horticulture Club, Kougars Cheer and Dance, Latinos Unidos, Performing Arts Club, Gender Student Alliance, Student Nursing Organization (SNO), , The Tabletop Gaming Club, and Green Team.

Confidential Reporting

Individuals who wish to confidentially report an incident of sex discrimination may make a confidential* report to the following off-campus confidential resources:

Talkspace

<https://www.talkspace.com/kish>

Northwestern Medicine Ben Gordon Center

866-242-0111

<https://www.bengordoncenter.org/>

~~Success, Alpha Delta Nu, Center.org/~~

Also Note: If the College determines that a person alleged to be the perpetrator of sex discrimination poses a serious and immediate threat to the College community, the College may be required to issue a timely warning to the College community. Any such warning will not include any information that identifies the person alleged to be the victim.

3. Reporting to Other College Employees

While only designated Responsible Employees are required to notify the Title IX Coordinator

will not be provided for student conduct violations which the College determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

D. Knowingly False Reporting and Statements

A person who knowingly makes a false report of sex discrimination may be subject to disciplinary action, up to and including suspension, expulsion, or termination. The College will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred. The College is still permitted to address false reports and statements by initiating a disciplinary process under its Student Code of Conduct or employee policies as long as there is evidence independent of the determination whether sex discrimination occurred.

VI. College Response to Allegations of Sex Discrimination

Upon being notified of alleged conduct that the notifying party believes reasonably may constitute sex discrimination, the Title IX Coordinator will analyze the allegation(s) to determine the appropriate method for processing the allegation(s). Where the Title IX Coordinator reasonably determines that the conduct as alleged could constitute sex discrimination, the Title IX Coordinator or designee will take appropriate action to promptly and effectively end any sex discrimination in the College's education program or activity, prevent its recurrence, and remedy its effects. Such action will include, but not be limited to, the following:

Treat the complainant and respondent equitably.

Offer and coordinate supportive measures, as appropriate, for the complainant (see Section VI.A below).

If electing to initiate a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

A. Supportive Measures

Supportive measures (also referred to as "interim protective measures") are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent, to: (1) restore or preserve a party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; and (2) provide support during the College's grievance procedures or during an informal resolution process.

Examples of supportive measures that the College may offer include, but are not limited to:

Counseling and mental health support;

Extensions of deadlines or other course-related adjustments;

Leaves of absence;

Changes to academic, extracurricular, living, dining, transportation and/or working schedules or situations;

Campus escort services;

Increased security or monitoring of certain areas of campus;

Issuance and enforcement of campus no contact orders;

Enforcement of an order of protection or no contact order entered by a State civil or criminal court; and/or

Training and education programs related to sex discrimination.

1. Coordination of Supportive Measures

The Title IX Coordinator is responsible for the offering and coordination of supportive measures, as appropriate, for the complainant and/or respondent. While the particular supportive measures offered will vary depending on what the College deems reasonably available, any supportive measures offered will be designed to protect the safety of the parties or the College's educational environment, or to provide support during the grievance procedures or during the informal resolution process. Supportive measures will not unreasonably burden either party and will not be imposed for punitive or disciplinary reasons.

If the complainant or respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with Kristin Elliott, Director Disability & Testing Services to determine how to comply with Section 504 of the Rehabilitation Act of 1973.

At the conclusion of the grievance procedures or at the conclusion of the informal resolution process, the Title IX Coordinator will determine whether to modify or terminate, as appropriate, any supportive measures previously implemented, or whether to continue such measures beyond that point.

The Title IX Coordinator will ensure that information about supportive measures are not disclosed to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the College's education program or activity, or as otherwise permitted by law, in conjunction with any response required by these Procedures.

2. Modification or Reversal of Supportive Measures

The Title IX Coordinator will provide the parties with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. A party wishing to seek modification or reversal of a supportive measure decision must submit a written request to the Title IX Coordinator, which the Title IX Coordinator will forward to the designated impartial employee.

Upon the impartial employee's receipt of the written request, the impartial employee will review the request and other relevant information to determine:

Whether the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures (see Appendix A); and

If so, whether modification or reversal of the supportive measures decision is appropriate.

Upon conclusion of the review, the impartial employee will notify the requesting party and the Title IX Coordinator of the outcome of the review. As appropriate, the impartial employee will notify the other party of any modifications to a supportive measure applicable to that party that results from the review.

B. Emergency Removal and/or Administrative Leave

Prior to initiating or completing the grievance procedure(s) or the informal resolution process, or in the absence of a complaint, the College may remove a respondent from the College's education program or activity on an emergency basis, where the College determines, based on an individualized safety and risk analysis, that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex

discrimination justifies removal. In such a case, the College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Nothing in these Procedures limits the College's ability to place an employee on administrative leave in response to allegations of misconduct.

C. Clery Act Obligations

In accordance with the Clery Act, the College will issue timely warnings to the campus community about crimes that have already occurred but that may continue to pose a serious or ongoing threat to students and employees. The Clery Act also requires the College to maintain a public crime log

The College will not impose discipline on a respondent for sex discrimination unless there is a determination at the conclusion of these grievance procedures that the respondent engaged in prohibited [sex discrimination.

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedure. These steps will not restrict the ability of the parties to : obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties are expressly prohibited from engaging in any form of retaliation, including against witnesses.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.

Impermissible evidence will not be accessed, considered, disclosed, or otherwise used, except by the College to determine whether one of the exceptions to impermissibility outlined below applies. The following types of evidence, and questions seeking that evidence, are considered impermissible:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use of such records in the College's grievance procedures.
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is:

Offered to prove that someone other than the respondent committed the alleged conduct; or

Evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

- Note: The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the

alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant's request not to proceed with initiation of a complaint;

The complainant's reasonable safety concerns regarding initiation of a complaint;

The risk that additional acts of sex discrimination would occur if a complaint is not initiated;

The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

The age and relationship of the parties, including whether the respondent is an employee of the College;

The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and

Whether the College could end the alleged discrimination and prevent its recurrence without initiating the grievance process.

3. Complaint Evaluation

When a complaint is filed, the Title IX Coordinator will, within ten (10) business days of their receipt of the complaint, evaluate whether to investigate or dismiss the complaint. In evaluating the complaint, the Title IX Coordinator will analyze the allegations to determine whether the conduct as alleged could constitute sex discrimination and whether any of the bases for dismissal in Section VII.A.4 apply /Span /MCID 23/Lang (en-US)BDC q0.00000912 0 612 792 reW* nB

6. Notice of Allegations

Upon initiation of an investigation under these grievance procedures, the College will notify the parties in writing of the following, with sufficient time for the parties to prepare a response before any initial interview:

These grievance procedures, including the informal resolution process (if applicable);

Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);

The College's prohibition on retaliation;

That the respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures;

That prior to a determination regarding responsibility being made, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;

That the parties will be afforded an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.

○ Note:

The Title IX Coordinator will appoint one or more trained Investigators to undertake an adequate, reliable, and impartial investigation into the complaint. The burden is on the College—not the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred, if such evidence is available.

When a party's (complainant or respondent) participation is invited or expected at an investigative interview or other meeting, the Investigator will provide that party with written notice of the date, time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare to participate.

The Investigator will provide the parties with the same opportunity to be accompanied to any meeting or proceeding during the investigation phase by an advisor of their choice, who may be, but is not required to be, an attorney. The Investigator will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding. However, the advisor's role during the investigation phase will be limited to providing support, guidance and/or advice to the party. A party's advisor may not speak on behalf of the party during any interview or meeting and must comply with all behavioral rules and expectations set forth in these Procedures or established by the Investigator. Additionally, in the event that the Investigator allows a party to have a person or persons other than their advisor present at an investigative interview or meeting, the Investigator will provide the same opportunity to the other party.

The Investigator will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator has discretion to determine whether the parties may present expert witnesses, so long as the determination applies equally to both parties.

The Investigator will review all evidence gathered through the investigation and determine what, if any evidence is irrelevant or otherwise impermissible in accordance with the guidelines on permissibility outlined in Section VII.A.1.

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The investigation phase, including the timeframe for the parties to access and submit a response to the written investigative report or the relevant and not otherwise impermissible evidence, shall be completed within thirty (30) business days after the Investigator's receipt of the notice of

- Any disciplinary sanctions that the Decisionmaker recommends be imposed on the respondent;
- Whether remedies other than the imposition of disciplinary sanctions will be provided to the complainant; and
- The College's procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility will become final either on the date that the College provides the parties with the written appeal determination, or, if no party appeals, the date on which an appeal would no longer be considered timely.

9. Appeals

Both parties will have the right to appeal any determination regarding responsibility, and any dismissal of a complaint or allegations therein, to a designated Appellate Decisionmaker. An appeal must be based on one or more of the following grounds:

A procedural irregularity that would change the outcome of the determination or dismissal;

New evidence that would change the outcome of the determination or dismissal and that was not reasonably available when the determination or dismissal was made; and/or

The Title IX Coordinator, Investigator or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the determination or dismissal.

A party wishing to appeal a dismissal or determination regarding responsibility must submit a written appeal request to the Title IX Coordinator within seven (7) business days of the party's receipt of the written determination or notice of dismissal.

Within seven (7) business days after the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request and all relevant materials to the appointed Appellate Decisionmaker and will notify both parties in writing of the appeal, including providing the respondent with notice of the allegations, if notice was not previously provided to the respondent.

Within ten (10) business days of the Appellate Decisionmaker's receipt of the appeal and relevant materials, the Appellate Decisionmaker will review the appeal and relevant materials and decide whether to affirm, reverse, or modify the dismissal or determination regarding responsibility.

Within seven (7) business days after the conclusion of the review, the Appellate Decisionmaker will notify both parties, in writing, of the result of the appeal and the rationale for the result. The Appellate Decisionmaker's determination is final.

10. Disciplinary Sanctions and Remedies

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;

Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Possible disciplinary sanctions that the College may impose on a respondent include, but *are not limited to*:

- Oral reprimand
- Written reprimand
- Suspension
- Dismissal

Any disciplinary sanctions against a respondent will not be implemented until the conclusion of the grievance procedures.

The following supplemental/alternative procedures apply only to complaints of alleged sex-based harassment where at least one party (complainant or respondent) is a student. Except where noted, these procedures apply in addition to the procedures outlined in Section VII.A.

[Decisionmaker Review, Questioning Proceeding and Determination

For a sex-based harassment complaint involving a student party, upon the appointment of the Decisionmaker, both parties will have the opportunity to request a substitution if the participation of the appointed Decisionmaker poses a conflict of interest. A party wishing to request substitution of the appointed Decisionmaker must notify the Title IX Coordinator, in w

In addition to the grounds listed in Section VII.A.9, the parties to a sex

including sexual violence, domestic violence, dating violence, and stalking; the

APPENDIX A
Definitions

- A. **Bystander Intervention:** see Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- B. **Complainant:** (1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.
- C. **Complaint:** an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged sex discrimination.
- D. **Confidential Advisor:** a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence, as outlined in Section 20 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/20](#). Confidential Advisors may include persons employed by a community-based sexual assault crisis center with which the College partners. All Confidential Advisors receive 40 hours of training on sexual violence before being designated a Confidential Advisor. Annually thereafter, Confidential Advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Individuals designated as “Responsible Employees” in these Procedures are not Confidential Advisors. A Confidential Advisor may or may not also be a Confidential Employee.
- E. **Confidential Employee:** an employee of the College who has confidential status with respect to information received while the employee is acting within the scope of the following duties and functions: (1) a person who is employed by the College whose communications are privileged or confidential under Federal or State law; (2) an employee whom the College has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination; (3) an employee who is

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 underage; or 4) the person is incapacitated due to a mental disability.

G. **Dating Violence:** violence committed by a person: 1) who is or has been in a social relationship of a

termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

- O. **Preponderance of the Evidence:** when considering all the evidence in the case, the Decisionmaker is persuaded that the allegations are more probably true than not true. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under this standard that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- P. **Relevant:** related to the allegations of sex discrimination under the investigation as part of these grievance procedures. Questions are relevant where they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.
- Q. **Remedies:** measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that sex discrimination occurred.
- R. **Respondent:** a person who is alleged to have violated the College's prohibition on sex discrimination.
- S. **Responsible Employee:** a College employee who (a) has the authority to institute corrective measures on behalf of the College, or (b) has responsibility for administrative, leadership, teaching, or advising in the College's education program or activity. Section V.A.2 of these Procedures lists categories of employees who ofiwhoyees who College determ1866(s)-

- V. **Sex Discrimination:** discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.
- W. **Sex-Based Harassment:** a form of sex discrimination that is harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity. Types of sex-based harassment include, but are not limited to, quid pro quo harassment, hostile environment harassment, and the specific offenses defined in Appendix A.
- X. **Sexual Violence**

