

MCC SEXUAL MISCONDUCT POLICY

Revised June 2018

Applicable Federal and State Law

The antiharassment and sexual policy addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2013, and the Illinois Preventing Sexual Violence in Higher Education Act. Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. The Illinois Preventing Sexual Violence in Higher Education Act is a state law that addresses student allegations of sexual violence, domestic violence, dating violence and stalking at higher education institutions. Title IX states as follows:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual misconduct, which includes sexual harassment, sexual assault (also referred to as sexual violence), inducing incapacitation for sexual purposes, and sexual exploitation. Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act are two other laws that also prohibit sex discrimination. In addition, the Violence Against Women Reauthorization Act of 2013 requires colleges and universities to have particular policy statements and offer educational programming regarding domestic violence, dating violence, sexual assault, and stalking.

Policy Statement Regarding Sex Discrimination and Interpersonal Violence

As noted above, it is the policy of MCC to provide a work and educational environment free of all forms of sex discrimination. "Sexual misconduct," including sexual harassment, sexual assault, inducing incapacitation for sexual purposes, and sexual exploitation, is a form of sex discrimination and is prohibited by this Policy. "Interpersonal violence," including domestic violence, dating violence, and stalking, is also prohibited by this Policy. This Policy applies to all students, faculty, and staff, to other members of the MCC's community, and to contractors, consultants, and vendors affiliated or providing services to the college.

Definitions

➤ *Consent*

Consent is 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. Silence is not consent. The absence of refusal is not consent. The manner of dress of the victim at the time of the offense shall not constitute consent. 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. Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally, the age of consent is 17 in Illinois), physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

If there is any doubt as to another person's capacity to give consent, community members should assume that the other person does not have the capacity to give consent. Being intoxicated or impaired by drugs

or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

Prohibited Sexual Misconduct

Midwestern Career College affirms its commitment to create and maintain an environment free from acts of sexual misconduct and to foster within that environment respect for the dignity of all members of the community. Accordingly, MCC will not tolerate acts of sexual misconduct.

The following offenses are considered sexual misconduct and are prohibited by the College.

➤ *Sexual Harassment*

Sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities where the following wrongful conduct present:

- Unwelcome sexual advances, gestures, and requests for sexual acts or favors or other verbal or physical conduct of a sexual nature.
- Any statement or implication that an individual's submission to or rejection of such sexual conduct could be used as a condition of employment/enrollment or as the basis for any employment/enrollment decision affecting such individual.
- Any conduct, whether physical or verbal, which has the purpose or the effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment. This includes, but is not limited to: slurs, jokes, or degrading comments of a sexual nature; offensive sexual flirtation, sexual advances, gestures, or propositions; abuse of a sexual nature; graphic verbal comments about an individual's body; sexual innuendo or suggestive comments; sexually oriented "kidding" or "teasing"; unwanted physical touching, including patting or pinching another's body; the display of sexually suggestive printed or visual materials, clothing, objects, or pictures; and sexually suggestive, provocative, or lewd exposure or touching of one's self while at the College.

➤ *Sexual Assault*

Sexual assault (also referred to as sexual violence) is a 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:

- *Sexual Penetration without Consent:* Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes any vaginal or anal penetration, however slight, with any body part or object, or oral penetration by a sex organ of another person, when consent is not present, or coercion and/or force is used.
- *Sexual Contact without Consent:* Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the private or intimate parts of another person for sexual gratification, or disrobing another person when consent is not present, or coercion and/or force is used. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else, Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.

- *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.
- *Statutory Rape*: Sexual intercourse with a person who is under the legal age of consent.

➤ *Inducing Incapacitation for Sexual Purposes*

Inducing incapacitation for sexual purposes includes using, or causing another person or person to use drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact.

➤ *Sexual Exploitation*

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for personal benefit, or to benefit anyone 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 one's STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography.

Interpersonal Violence

MCC affirms its commitment to create and maintain an environment free from acts of interpersonal violence and to foster within that environment respect for the dignity of all members of the community. The College does not tolerate acts of interpersonal violence such as the following:

➤ *Stalking*

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

➤ *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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence

➤ *Domestic Violence*

Domestic Violence – is defined as a felony or misdemeanor crime 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 in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Title IX and VAWA Statement

It is the policy of Midwestern Career College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. It is also MCC's policy to comply with the federal Violence Against Women Act amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, and the accompanying regulations (collectively referred to as VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. MCC has designated the Title IX Coordinator, to coordinate MCC's compliance with Title IX and VAWA and to respond to reports of violations.

Title IX Coordinator

Erika Littles
100 S. Wacker Dr., LL1-50
Chicago, IL 60606
(312) 236-9000 Ext 1063
elittles@mccollege.edu

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

Anti-Harassment, Including sexual Harassment Policy Statement

All students and all employees have a right to work in an environment free of verbal or physical harassment that is based on race, religion, color, ancestry, age, sex, national origin, citizenship, pregnancy, marital status, sexual orientation or sexual preference, unfavorable military discharge, military status, arrest record, disability, or any other legally protected characteristic. In keeping with this commitment,

Midwestern Career College will not tolerate harassment of any student by anyone, including any employee, manager, co-worker, vendor, or student based on any of these legally protected characteristics. Activities of this nature are unlawful and serve no legitimate purpose; they have a disruptive effect on the ability to perform academically, and they undermine the integrity of the College. Any discriminatory or harassing conduct or interference with the investigation of an alleged incident of discrimination or harassment will result in disciplinary action, up to and including termination. Sexual harassment is not permitted at MCC. Sexual harassment includes but is not limited to the following wrongful conduct:

- Unwelcome sexual advances, gestures, and requests for sexual acts or favors or other verbal or physical conduct of a sexual nature.
- Any statement or implication that an individual's submission to or rejection of such sexual conduct could be used as a condition of employment/enrollment or as the basis for any employment/enrollment decision affecting such individual.
- Any conduct, whether physical or verbal, which has the purpose or the effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment. This includes, but is not limited to: slurs, jokes, or degrading comments of a sexual nature; offensive sexual flirtation, sexual advances, gestures, or propositions; abuse of a sexual nature; graphic verbal comments about an individual's body; sexual innuendo or suggestive comments; sexually oriented "kidding" or "teasing"; unwanted physical touching, including patting or pinching another's body; the display of sexually suggestive printed or visual materials, clothing, objects, or pictures; and sexually suggestive, provocative, or lewd exposure or touching of one's self while at the College.

Every student must avoid any conduct that reasonably could be interpreted as discrimination or harassment under this policy, even if such conduct was not intended to be offensive. Conversely, students are expected and encouraged to inform campus authorities whenever conduct is unwelcome, offensive, or in poor taste. Only through such open communication MCC can maintain the type of academic environment where everyone has an equal opportunity to flourish.

Examples of Sexual Harassment in Higher Education

- A professor who continuously makes jokes of a sexual nature in the classroom;
- A registration advisor who tells a student he or she might be able to get into a class if the student dates the advisor;
- An admissions officer who tells a prospective student that the advisor will put in a "good word" for the prospective student if he or she dates the advisor;
- A financial assistance advisor who tells a student that "if you have sex with me, I can look out for scholarships for you;"
- A teaching assistant who promises a student a better grade if the student does not resist any inappropriate touching or sexual advances.

Reporting Options and Available Resources

There are various reporting options and resources available.

MCC strongly encourages individuals, including third-party bystanders, to report incidents of sexual discrimination/misconduct to the Title IX Coordinator or other College employees. With the exception of the designated confidential advisors and the off-campus resources identified directly below, all other College employees who receive a report of sexual misconduct in the context of their employment are required to report all the details of the incident (including the identities of both the complainant and alleged respondent) to the Title IX Coordinator.

Midwestern Career College encourages those who have experienced sexual discrimination or misconduct to talk to one or more of the below individuals or agencies.

➤ *Title IX Coordinator:*

Erika Littles
100 S. Wacker Dr., LL1-50
Chicago, IL 60606
(312) 236-9000 Ext 1063
elittles@mcccollege.edu

The College has a designated Title IX Coordinator trained in the College's policies and procedures, state and federal law and other issues related to sexual discrimination and misconduct to manage the College's compliance with Title IX. Specifically, the Title IX Coordinator:

- Oversees the investigation and/or resolution of all complaints of prohibited misconduct under this policy;
- Advises complainants (individuals alleging misconduct), respondents (individuals accused of alleged misconduct) and/or third parties regarding the courses of action available at the College and in the community for resolving complaints of sexual discrimination and misconduct;
- Provides assistance to "responsible employees" regarding how to appropriately respond to a report of prohibited misconduct under this policy;
- Conducts and/or reviews on-going climate checks, tracking, monitoring of sexual misconduct allegations on campus and reports findings to College officials and/or the campus community, where appropriate;
- Assists in Preparing federal and state required compliance reports;
- Oversees training, education and prevention efforts; and
- Provides and participates in on-going training designed to assist in implementing this policy and the corresponding complaint resolution procedures

➤ *On-Campus Confidential Advisor*

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osweiss@mcccollege.edu

Individuals wishing to obtain confidential assistance without making an official report to MCC may do so by speaking with a College confidential advisor. The College Confidential Advisor is available to discuss incidents of misconduct in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to confidential advisors will not trigger the MCC's investigation into an incident. In addition to providing confidential counseling,

confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct, including:

- Providing information regarding the individual's reporting options and possible outcomes, including without limitation, reporting to the College's Title IX Coordinator pursuant to this policy and notifying local law enforcement;
- Providing resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- Providing information regarding orders of protection, no contact orders or similar lawful orders issued by MCC or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon request; and/or
- Assistance with securing interim protective measures and accommodations upon request.

➤ *Off-Campus Confidential Resources*

The following off-campus agencies also employ individuals available to discuss incidents of misconduct in confidence. Disclosures to these entities will not prompt MCC's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- 24-Hour Chicago Rape Crisis Hotline: 1-888-293- 2080
- 24-Hour Sarah's Inn Domestic Violence Crisis Line: 708-386-4225
- 24-Hour City of Chicago Domestic Violence Help Line: 1-877-863-6338
- 24-Hour Spanish Speaking Domestic Violence Hotline: 312-738-5358
- The Zacharias Sexual Abuse Center: 847-872-7799.
- National Sexual Assault Telephone Hotline: 800-656-HOPE (4673).
- Center on Halsted LGBTQ Violence Resource Line: 773-871-CARE (2273).

➤ *Electronic Reports, Including Anonymous Reporting Option*

Electronic Reports, including anonymous reports, may be submitted by completing the form found at <https://mccollege.edu/confidential-sexual-misconduct-report-form/>

Privacy of Sexual Misconduct Reports

The privacy of all parties involved in reports of sexual misconduct will be respected to the extent permitted under relevant law. Information related to a report of sexual misconduct will be shared only with those employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the MCC's Sexual Misconduct Complaint Resolution Procedures. All MCC employees who are involved in the review, investigation or resolution of sexual misconduct complaints will receive specific training regarding the safeguarding of private information.

Information Regarding the Rights of Complainants

Upon receiving a report of sexual misconduct, the MCC will provide the complainant with a written document listing, in plain, concise language, the complainant's available rights, options and resources, as well as a description of the MCC's Sexual Misconduct Complaint Resolution Procedures.

Requests for Confidentiality

In some cases, an individual may disclose an incident of sexual misconduct to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted or disciplinary action be taken. MCC must weigh such requests against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community, including the individual who has experienced the alleged misconduct. Although rare, there are times when the College may not be able to honor an individual's request for confidentiality in order to provide a safe, non-discriminatory environment.

MCC has designated the Title IX Coordinator to evaluate requests for confidentiality. When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider whether the College possesses other means to obtain the relevant information, as well as whether:

- There have been other sexual misconduct complaints about the accused individual;
- The accused individual has records from a prior educational institution or elsewhere indicating a history of sexual misconduct;
- The accused individual threatened further sexual misconduct or other violence against the complainant or others;
- The alleged sexual misconduct was committed by multiple accused individuals;
- The alleged sexual misconduct was perpetrated with a weapon;
- The alleged sexual misconduct was committed against a minor; and/or
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead further investigation and, if appropriate, pursue disciplinary action pursuant to the formal resolution process set forth in the College's Sexual Misconduct Complaint Resolution Procedures despite an individual's request for confidentiality and/or that no investigation be conducted. If MCC determines that it cannot maintain an individual's confidentiality or uphold a request that the complaint not be investigated, the College will inform the individual prior to the start of the investigation and will, to the extent possible, limit the information shared during the Sexual Misconduct Complaint Resolution Process.

If none of the above factors are present, the College may honor the individual's request for confidentiality or that an investigation not be conducted. If the College honors such request, the College's ability to fully investigate the incident and pursue disciplinary or other action against the respondent(s) may be limited.

Reporting to Law Enforcement

MCC encourage complainants to report to the police any allegation of sexual misconduct that could rise to the level of a crime. The College will assist individuals wishing to do so. A police report must be made before a criminal prosecution can be considered by the local State's Attorney's Office. The chances of successful prosecution are greater if the report to the police is timely.

Complainants have the right to request that law enforcement implement emergency protective restraining orders or to pursue such orders through the civil court process; the College can assist complainants who wish to do so. Complainants who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the

College can work with the complainant and the subject of the restraining order to manage compliance with the order on campus.

Whether or not criminal charges are filed, MCC will investigate and resolve complaints of sexual misconduct under this policy where appropriate. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

MCC's investigation of a complaint of sexual misconduct shall proceed simultaneously with any law enforcement investigation, except that the College may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the College's fact-finding, provide regular updates on the status of the investigation and notify the parties when the College's fact-finding resumes. During this time period, MCC will take any additional measures necessary to protect the complainant and the College community.

Medical Assistance

Whether or not an individual who has experienced sexual misconduct decides to report an incident to MCC or the local Police Department, he/she is encouraged to seek immediate medical attention from one of the sources listed below in order to treat physical injuries, test for and treat sexually transmitted infections and pregnancy and access emergency contraception (if requested).

Under Illinois law, certain medical personnel are required to alert police when the individual requesting treatment appears to have sustained injury as a victim of a criminal offense, including sexual violence. However, the individual may choose whether to speak to the police and is not required to do so.

Evidence Collection

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 or she can bring unwashed clothes worn during the incident to the hospital or medical facility in a paper (or other non-plastic) bag.

Under Illinois law, the cost of emergency medical or forensic examinations for sexual violence survivors not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services. The Title IX Coordinator can provide more information regarding the procedure for obtaining this financial assistance.

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 copies of documents.

Amnesty Provision

Midwestern Career College encourages reporting of sexual misconduct and seeks to remove any barriers to making a report. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person will not be subject to disciplinary action by MCC for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the MCC determines that the violation was serious and/or placed the health or safety of others at risk. Amnesty does not preclude or prevent action by police or other legal authorities. This Amnesty provision shall also apply to student groups making a report of sexual misconduct.

False Reporting or Testimony

Reports of sexual misconduct that are later found to be intentionally false or made maliciously without regard for truth shall constitute a violation of this policy. This provision does not apply to reports made in good faith, even if the allegations in the report are not substantiated through an investigation. Likewise, a third-party witness who intentionally provides false or misleading testimony may be subject to disciplinary action under this or other relevant MCC's policy.

Protection Against Retaliation

It is unlawful for a college administration, staff or faculty member to retaliate against a student because the student reported sexual harassment, participated in an investigation of sexual harassment, or because the student filed a charge of discrimination with the Illinois Department of Human Rights.

Midwestern Career College strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating, in any manner, in an investigation or hearing related to a report of sexual misconduct. MCC considers such actions to be protected activities in which all members of the college may freely engage.

Members of the community are prohibited from engaging in actions, directly or through others, that are aimed to discourage a reasonable party or a witness from reporting sexual misconduct or participating in an investigation or hearing.

Academic Freedom from Sexual Harassment

This policy does not prohibit legitimate academic discussion or comment. Sexual relations and other themes relating to gender or sexuality may be the subject of school lectures, classroom discussion, academic role playing, or informal debate and discussion. Such discussion and comment are not to be regarded as sexual harassment as long as the participants do not engage in offensive conduct that exceeds the legitimate and reasonable limits of academic endeavor.

Sexual Misconduct Complaint Resolution Procedures

The College provides a prompt and impartial resolution to allegations of sexual misconduct independent from law enforcement and criminal court proceedings. The Title IX Coordinator will review all reports of alleged sexual misconduct received by the College and work with the necessary individuals to determine an appropriate resolution.

Options include:

- Resolution of the allegations through an informal resolution process;
- Investigation and resolution of the allegations through the College's formal resolution and appeals process; or

- Referral to the appropriate campus office for resolution or closure with no further action when it is determined that the allegations, even if true, do not constitute sexual misconduct under this policy

Resolution Time Frame

The College aims to resolve all sexual misconduct reports and appeals (where applicable), within sixty (60) calendar days. This time period can be extended as necessary for good cause by the Title IX Coordinator, with notice to the parties of the extension and an explanation of the reason for the extension. The Title IX Coordinator will regularly notify the parties of the status of the proceedings throughout their duration.

Definitions

- *Complainant* is the party alleging sexual misconduct or to whom sexual misconduct was directed.
- The Respondent is the party accused of sexual misconduct.
- *Third-party Reporter/Witness* is an individual who reports sexual misconduct occurring between individuals other than him/herself.

Initial Review and Assessment

Upon receipt of a report of sexual misconduct, the Title IX Coordinator will assess the nature of the allegations, the safety of the involved individuals and the College community, the Complainant's expressed preference for resolution and/or request for confidentiality and the necessity for any interim measures to maintain the safety of the Complainant or the College community. If, during this assessment, it is determined that the alleged conduct, even if true, does not constitute sexual misconduct under the College's Sexual Misconduct Policy, the matter may be referred to the appropriate campus office for resolution or closed with no further action taken.

Where there is reasonable cause to believe sexual misconduct may have occurred, the Title IX Coordinator will provide the Complainant and Respondent with a written statement of their rights and options under the College's Sexual Discrimination and Misconduct Policy and these complaint resolution procedures.

Interim Measures

Where there is reasonable cause to believe sexual misconduct may have occurred, the Title IX Coordinator or designee will provide prompt, appropriate and reasonably available interim measures to support and protect the parties and prevent any further acts of misconduct, harassment or retaliation prior to the final resolution of the allegations. Interim measures may be imposed regardless of whether formal resolution is sought by the Complainant.

Interim measures may include, but are not limited to:

- Referral to counseling and health services;
- Modification of work arrangements and/or scheduling;
- Campus escorts
- "No Contact Orders" between the parties;
- Academic scheduling adjustments;
- Suspension of the alleged student respondent
- Suspension with or without pay of the alleged employee respondent

Interim measures will be kept confidential to the extent that maintaining such confidentiality will not impair the ability of the College to provide the interim measures.

The College will provide written and verbal notification to Complainants and Respondents about existing counseling, health, mental health, victim advocacy, confidential advisors, legal assistance, visa and immigration assistance, student financial aid, and other relevant College and community resources.

Violation(s) of a directive and/or protective action issued as an interim measure may result in disciplinary action separate from any sanctions issued for a determination of sexual misconduct.

Party Support Persons

The Complainant and Respondent are both entitled to bring a support person of their choice, at their expense, to any meeting or interview in connection with the resolution of a report of sexual misconduct. The support person may be any other person a party chooses, except that an individual who will be serving as a witness in the matter may not serve as support person in the same matter without express prior permission from the Title IX Coordinator.

The College cannot guarantee the equality of support person representation. The role of the support person is for emotional support only and therefore, non-participatory. A support person may not speak for or draft any statements on a party's behalf. A support person who disrupts or otherwise fails to observe these limits will be asked to leave the meeting/interview, and the meeting/interview may continue without the support person present. Subsequently, the Title IX Coordinator will determine whether the support person may be reinstated or replaced.

Both parties will be provided with timely written notification of meetings/interviews at which they may/must be present. Therefore, the College reserves the right to proceed with a pre-arranged meeting or interview regardless of a support person's availability. Support persons are expected to maintain the privacy of any records shared during the sexual misconduct complaint resolution process. Such records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any support person who fails to abide by these privacy expectations.

Informal Resolution

Where appropriate, the College will work to informally resolve sexual misconduct allegations by taking immediate and corrective action to stop the misconduct, address its effects, and prevent recurrence without a formal investigation and determination of a College policy violation. Informal resolution may include the range of interim measures as described above, as well as training and educational programming for relevant individuals and groups and/or any other remedy that will achieve the goals of the College's Sexual Misconduct Policy. In some circumstances, mediation or joint conflict resolution may be appropriate; however, mediation or face to face meetings will never be used to resolve allegations of non-consensual intercourse or contact or other sexual violence. Participation in informal resolution is voluntary and either party can request to end informal resolution and initiate the formal resolution process at any time.

Formal Resolution

When a report of sexual misconduct cannot be informally resolved, a formal resolution will be initiated. Formal resolution includes a prompt, thorough and impartial investigation into the allegations of sexual misconduct.

Investigation

Investigations will be conducted by the Title IX Coordinator or another internal or external investigator appointed by the Title IX Coordinator.

Investigations may include one or more interviews with the Complainant, Respondent and any other identified witnesses. Interviews may take place in person, by phone or through electronic means. Investigations may also include the gathering and analysis of physical, documentary and/or other relevant evidence. Additionally, Complainants and Respondents may provide written statements, identify and/or present statements from fact witnesses or submit any other evidence that the investigator deems relevant. Complainants and Respondents may have their support persons present with them during interviews and meetings conducted during the investigation.

If at any point during the investigation it is determined that there is no reasonable cause to believe that sexual misconduct occurred, the Title IX Coordinator may terminate the investigation and refer the matter to the appropriate campus office for resolution or close the matter with no further action.

Prior Sexual History

In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence during an investigation. However, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is insufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted except under very limited exceptions. The investigator may consider prior or subsequent allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant.

Investigative Report

After the investigation has been completed, the investigator will prepare a report containing: summaries of interviews with the Complainant, Respondent and third-party witnesses; a description and analysis of other relevant information collected, a statement of the investigator's material findings of fact; a determination as to whether or not there is sufficient information to establish, by a preponderance of the evidence, that a violation of the College's Sexual Misconduct Policy occurred and the rationale for such determination; and any other relevant information concerning the investigation and/or these procedures. Before the report is finalized and a determination has been made, the investigator will forward to each party a summary of the party's own interview for review. The parties may submit any additional comments, evidence or suggested factual corrections to the investigator within three (3) calendar days of the date on which they were provided with their interview summaries. Upon receipt of any additional information from the parties, or after the three (3) calendar day period has lapsed without comment, the investigator will incorporate any additional information and make a determination as to whether there is sufficient information to establish, by a preponderance of the evidence, that a violation of the College's Sexual Misconduct Policy occurred.

Standard of Proof

The investigator will determine whether or not there is sufficient information to establish, by a preponderance of the evidence, a violation of the College's Sexual Misconduct Policy. A preponderance of the evidence means whether the information provided during the investigation supports a determination that it is "more likely than not" that a violation of the College's Sexual Misconduct and Discrimination Policy occurred.

Sanctions and Remedies

Disciplinary sanctions for violation of the College's Sexual Misconduct Policy include:

- Verbal or written warning;

- Mandatory educational programming;
- Probation;
- Removal from campus programs/activities/leadership positions;
- Restrictions regarding entering certain buildings or areas of campus;
- Performance improvement/management process (employees only);
- Suspension from school or employment (with or without pay, in the case of employees);
- Termination of enrollment or employment with the College.

Student-Respondent Withdrawal While Charges Are Pending

Student-Respondents with pending sexual misconduct matters may not withdraw from the College. Should a student-Respondent decide to leave and not participate in the investigation and other portions of the procedures set forth herein, the process will nonetheless proceed in the student-Respondent's absence to a reasonable resolution. The student-Respondent will not be permitted to return to the College until any sanctions issued have been satisfied.

Student-Respondent Failure to Complete Sanctions

Student-Respondents who fail to complete issued sanctions may be placed on academic hold and prohibited from registering for classes, acquiring transcripts and accessing student accounts and/or grade records.

Appeals

Either party may appeal the investigator's determination, and/or any sanction issued by submitting a written request for appeal, with supporting documentation, to the College's CEO, within five (5) calendar days of the date of receipt of the investigator's final report or the written notice of sanctions, whichever is later.

Grounds for Appeal

Both the complainant and the respondent have the right of appeal. Mere disagreement with the decision is not grounds for appeal.

Appeals will only be considered on the following three grounds:

- The existence of procedural error(s) significant enough to alter the outcome;
- Existence of new and significant evidence which was not reasonably available at the time of the initial investigation and would likely alter the outcome; and/or
- The sanctions imposed are substantially disproportionate to the violation.

In any request for an appeal, the burden to demonstrate procedural error, new evidence or disproportionate sanction lies with the party requesting the appeal.

Sexual Misconduct Appellate Panel

Within three (3) calendar days of receiving a request for appeal, the College's CEO will appoint three (3) members of the Sexual Misconduct Appellate Panel to sit as an appellate panel to decide the appeal based on majority rule. The Appellate Panel will request a copy of the Title IX Coordinator's or designated investigator's findings and decision, as well as all relevant information from the investigation. The Appellate Panel will act upon the appeal by (a) confirming the original decision, (b) altering any penalties imposed, or (c) requesting the student/employee, the Title IX Coordinator to submit additional information prior to rendering a decision. The appellate panel will make a determination within five (5) calendar days of receipt of the appeal materials. All appellate can be extended as necessary for good cause with notice to the parties of the extension and an explanation of the reason for the extension.

The decision of the Appellate Panel is final and cannot be further appealed. Both the complainant and the respondent will be notified of the outcome of the appeal in writing within three (3) calendar days of the date of the decision.

Conflict of Interest

The College requires any individual participating in the investigation, sanctioning or appeal of sexual misconduct matters to disclose any potential or actual conflict of interest. If a Complainant or Respondent believes that an investigator has a conflict of interest, the party should submit a request to replace the investigator to the Title IX Coordinator. If the Title IX Coordinator is the investigator believed to have a conflict, the party should submit such request to the CEO of the College.

In all cases, requests to replace an individual due to conflict of interest must be submitted (to the above referenced individuals) within three (3) days of a party's notice of the conflicted individual's participation. The written request must include a description of the conflict. If it is determined that a conflict of interest exists, the College will take steps to address the conflict as appropriate to maintain an impartial process.

Records

The investigator's report, the notice of sanction and/or appellate determination, will be maintained by the Office of Student Affairs as part of a student-Respondent's conduct record and with the Director of Human Resources as part of an employee-Respondent's employment file. All notes and documents exclusively used by the investigator but not made part of the final report will be destroyed after an appellate determination (or, if no appeal, a sanction or final determination) is made. Suspension and dismissal are permanently noted on a student's transcript. Employment records are maintained consistent with the Illinois Personnel Records Review Act and all other state and federal requirements.

Sexual Misconduct Education and Awareness

Midwestern Career College provides educational programming that consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty, and staff that:

- Identify sexual misconduct which includes sexual harassment, sexual abuse, sexual assault or rape, domestic violence, dating violence and stalking as prohibited conduct;
- Define what behavior constitutes sexual harassment, sexual abuse, sexual assault or rape, domestic violence, dating violence and stalking;
- Defines 'consent to sexual activity' under University policy and state regulations
- Covers information on reporting sexual violence, assisting victims and survivors of sexual violence, and preventing sexual violence through bystander training.
- Explains rights of accuser and accused, including the right to file reports with external law enforcement agencies and the right to an advisor.

APPENDIX A: OFF CAMPUS RESOURCES

CRISIS HOTLINES

24-Hour Chicago Rape Crisis Hotline: 1-888-293- 2080

24-Hour Sarah’s Inn Domestic Violence Crisis Line: 708-386-4225

24-Hour City of Chicago Domestic Violence Help Line: 1-877-863-6338

24-Hour Spanish Speaking Domestic Violence Hotline: 312-738-5358

Child Abuse, National Hotline: 800-252-2873

Child Help National Child Abuse Hotline: 800-422-4453

Crisis Counseling, General: 847-228-6400

Crisis Counseling, Teens: 847-228-8996

Crisis Counseling, Children: 847-228-5437

DCFS Hotline: 800-252-2873

Domestic Violence – General: 800-603-4357

Domestic Violence Hot Line – Chicago: 800-603-4357

Domestic Violence Hot Line - Will County: 877-335-3020

Emergency Services, Chicago: 800-654-8595

Sexual Assault, General (RAINN): 800-656-4673

Sexual Assault Hotline – Chicago: 888-293-2080

Sexual Assault Crisis Line - Hickory Hills: 708-741-4500

National Suicide Prevention Lifeline (www.suicidepreventionlifeline.org): 800-273-8255

CHICAGO POLICE DEPARTMENT

911 (emergency)

311 (non-emergency)

POLICE DEPARTMENTS LOCATED NEAR EACH OF THE CAMPUS LOCATIONS

Chicago Campus

Address: 1160 N Larrabee St, Chicago, IL 60610

Phone: (312) 742-5870

Blue Island Campus Extension

Address: 13031 Greenwood Ave, Blue Island, IL 60406

Phone: (708) 385-1313

Naperville Campus Extension

Address: 1350 Aurora Ave, Naperville, IL 60540

Phone: (630) 420-6666

EMERGENCY ROOMS AVAILABLE TO PROVIDE FORENSIC EXAMINATION NEAR EACH OF THE CAMPUS LOCATIONS

Chicago

Chicago Lakeshore Hospital

Address: 4840 N Marine Dr, Chicago, IL 60640

Phone: (773) 878-9700

Rush University Medical Center

Address: 1653 W Congress Pkwy, Chicago, IL 60612

Phone: (888) 352-7874

Advocate Illinois Masonic Medical Center

Address: 836 W Wellington Ave, Chicago, IL 60657

Phone: (773) 975-1600

University of Illinois at Chicago

Address: 1740 W Taylor St, Chicago, IL 60612

Phone: (866) 600-2273

Mercy Hospital and Medical Center

Address: 2525 Michigan Avenue, Chicago, IL 60616

Phone: (312) 567-2000

Blue Island

MetroSouth Medical Center

Address: 12935 Gregory St, Blue Island, IL 60406

Phone: (708) 597-2000

Naperville

University of Chicago Hospital

Address: 1020 E Ogden Ave, Naperville, IL 60563

Phone: (630) 355-4885

Edward Hospital

Address: 801 S Washington St, Naperville, IL 60540

Phone: (630) 527-3000

RESOURCE CENTERS AND ADVOCACY GROUPS NEAR EACH OF THE CAMPUS LOCATIONS

Chicago

Chicago Children's Advocacy

Address: 1240 S Damen Ave, Chicago, IL 60608

Phone: (312) 492-3700

Rape Victim Advocates

Address: 180 N Michigan Ave #600, Chicago, IL 60601

Phone: (312) 443-9603

Blue Island

Pillars' Sexual Assault Services

708.PILLARS (708.745.5277)

Domestic Violence Hotline

708.485.5254

Sexual Assault Hotline

708.482.9600

Naperville

Family Shelter Service (DuPage County)

www.familyshelterservice.org

(630) 469-5650 HOTLINE

Guardian Angel Community Services (Will County)

www.gacsprograms.org/groundwork

(815) 729-1228 HOTLINE

OTHER RESOURCES:

National Domestic Violence Hotline

(800) 799-SAFE (7233)

(800) 787-3224 (TTY)

Illinois Domestic Violence Help Line

(877) 863-6338 (Chicago area)

(877) 863-6339 (TTY)

Office of the Illinois Attorney General

www.illinoisattorneygeneral.gov

Advocate Illinois Masonic Medical Center

www.advocatehealth.com/immc

836 W Wellington Ave

Chicago, IL 60657 773-975-1600

Apna Ghar Inc.

www.apnaghar.org

4350 N Broadway St. Chicago, IL 60613

(773) 334-4663

Arab-American Family Services

www.arabamericanfamilyservices.org

9044 S Octavia Ave Bridgeview, IL 60455

(708) 599-2237

A Safe Place

www.asafeplaceforhelp.org

2710 17th Street Zion, IL 60099

847-731-7165

24-Hour Crisis Line: 847-249-4450

Between Friends

www.betweenfriendschicago.org

LPC: 773-325-7777 Loop:

312-362-8400 312-362-8066

Center on Halsted (LGBT & STD Testing Services)

www.centeronhalsted.org

3656 N. Halsted St Chicago, IL 60613

773-472-6469

Connections for Abused Women and Their Children (CAWC)

www.cawc.org

1116 N. Kedzie Ave Chicago, IL 60651

24-Hour Crisis Line: 773-278-4566

773-489-9081 (TTY)

Life Span Center for Legal Services & Advocacy

www.life-span.org

312-408-1210

Mujeres Latinas En Accion

<http://www.mujeerlatinassenaccion.org/home/programs/sexual-assault-program>

2124 W 21st Place Chicago, IL 60608

773-890-7676 (office)

Neopolitan Lighthouse

www.neopolitanlighthouse.org

24-Hour Crisis Line: 773-722-0005

773-638-0228 (TTY)

Porchlight Counseling Services

www.porchlightcounseling.org

Multiple Chicagoland Counseling Locations

773-750-7077

Rape Victim Advocates (Free Counseling and Legal Advocacy)

www.rapevictimadvocates.org

180 N. Michigan Ave, Suite 600 Chicago, IL 60601

312-443-9603

YWCA Metropolitan Chicago - Loop (Free Counseling and Legal Advocacy)

www.ywcachicago.org

1 North LaSalle St, Suite 1150 Chicago, IL 60602

312-372-6600