

MCC CAMPUS GUIDE TO SEXUAL MISCONDUCT POLICIES, SURVIVOR'S RIGHTS, OPTIONS, AND RESOURCES

Revised October 2020

Midwestern Career College is committed to fostering a community in which every member has the right to safety from the threat of sexual violence. **HOW CAN MCC HELP?** Knowing what options and resources are available will be helpful if you or someone you know experiences sexual misconduct.

EXAMPLES OF SEXUAL MISCONDUCT

(See the Title IX Sexual Misconduct Policy at <https://mccollege.edu/consumer-information/>)

➤ SEXUAL HARASSMENT

For Title IX purposes, sexual harassment is defined as: 1. Any instance of quid pro quo harassment by an MCC employee; 2. any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; 3. any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

➤ 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, Sexual Contact without Consent, Incest, Statutory Rape

➤ INDUCING INCAPACITATION

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.

➤ 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.

➤ 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.

➤ DOMESTIC VIOLENCE

Violence or the threat of violence committed by a current or former spouse or intimate partner, by someone with whom the individual shares a child, or someone who is cohabitating with or has cohabitated with the individual as a spouse or intimate partner.

UNDERSTANDING CONSENT (See the Title IX Sexual Misconduct Policy at <https://mccollege.edu/consumer-information/>)

➤ CONSENT IS

A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity; expressed through affirmative and voluntary words or actions mutually understandable to all parties involved; given for a specific sexual act at a specific time; and can be withdrawn at any time.

➤ CONSENT CANNOT BE

Coerced or compelled by duress, threat, or force; given by someone who does not have the capacity to give consent due to age, sleep, incapacitation by alcohol or drugs, or other physical condition or disability, assumed based on silence, the absence of verbal or physical resistance, an individual's manner of dress, a prior or current relationship, or consent to prior sexual activity.

PERSONS WHO MAY HAVE EXPERIENCED SEXUAL MISCONDUCT HAVE OPTIONS:

➤ **CONTACT THE POLICE**

Call 911 for emergency assistance from local police or medical personnel.

POLICE DEPARTMENTS LOCATED NEAR EACH OF THE CAMPUS LOCATIONS

Chicago Main Campus

LaSalle Campus Extension

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

➤ **SEEK MEDICAL ATTENTION**

It is advisable to seek medical attention as soon as possible if you have been injured or if you believe you may have been exposed to an STI or potential pregnancy.

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

CHICAGO/CHICAGO LASALLE

Chicago Lakeshore Hospital

Address: 4840 N Marine Dr,
Chicago, IL 60640

Phone: (773) 878-9700

University of Illinois at

Chicago

Address: 1740 W Taylor St,
Chicago, IL 60612

Phone: (866) 600-2273

NAPERVILLE

**University of Chicago
Hospital**

Address: 1020 E Ogden Ave,
Naperville, IL 60563

Phone: (773) 702-1000

**Rush University Medical
Center**

Address: 1620 W Harrison St,
Chicago, IL 60612

Phone: (312) 942-5000

**Mercy Hospital and Medical
Center**

Address: 2525 Michigan
Avenue, Chicago, IL 60616

Phone: (312) 567-2000

Edward Hospital

Address: 801 S Washington
St, Naperville, IL 60540

Phone: (630) 527-3000

**Advocate Illinois Masonic
Medical Center**

Address: 836 W Wellington
Ave, Chicago, IL 60657

Phone: (773) 975-1600

BLUE ISLAND

Metro South Medical Center

Address: 12935 Gregory St,
Blue Island, IL 60406

Phone: (708) 597-2000

➤ **SEEK CONFIDENTIAL COUNSELLING/ADVISING**

Many confidential psychological or emotional support options are available on campus and in the community. Consulting the following confidential resources will **NOT** result in a report to the College's Title IX Coordinator or law enforcement.

MCC CONFIDENTIAL ADVISOR

Olia Sweiss

100 S. Wacker Dr., LL1-50

Chicago, IL 60606

(312) 236-9000 Ext 1033

osweiss@mccollege.edu

OFF-CAMPUS CONFIDENTIAL RESOURCES

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:

847-972-1790.

National Sexual Assault Telephone Hotline:

800-656-HOPE (4673).

Center on Halsted LGBTQ Violence Resource

Line: 773-871-CARE (2273).

➤ **FILE A COMPLAINT WITH THE COLLEGE**

MCC is committed to providing a prompt, fair and impartial investigation and resolution process, conducted by individuals who receive annual training on handling issues related to sexual misconduct.

CONTACT MCC'S TITLE IX COORDINATOR

Mary Schmidt

100 S. Wacker Dr., LL 1-50

Chicago, IL 60606

(312) 236-9000 Ext 1051

mschmidt@mcccollege.edu

OR FILE ELECTRONIC REPORT

Electronic Reports, including anonymous reports, may be submitted by completing the form found at

<https://mcccollege.edu/confidential-sexual-misconduct-report-form/>

➤ **ACCESS OFF-CAMPUS RESOURCES**

COMMUNITY RESOURCE CENTERS/ADVOCACY GROUPS

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)

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

PRESERVE EVIDENCE

A timely medical exam is recommended to collect physical evidence, which may be necessary to criminally prosecute the offender and may be helpful in obtaining an order of protection in court should you choose to do so. To best preserve evidence, it is suggested that you seek medical attention as soon as possible and that you not shower, brush teeth, use the bathroom, eat, or change clothes or bedding before going to the hospital. Inform the hospital or police if you believe a drink may have been drugged. Under Illinois law, the cost of an examination for a sexual violence survivor that is not covered by insurance or public aid will be covered by the State and not billed to the patient. You should also save other potential evidence, including text messages, instant messages, social networking pages, and any other information about the incident.

➤ **REQUEST SUPPORTIVE MEASURES**

Supportive measures may be implemented by the College, when reasonably available, to help provide a more stable and safer environment. They can be requested through the Title IX Coordinator at any time, regardless of whether you seek resolution of a sexual misconduct complaint. Supportive measures are defined as individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Examples include but are not limited to:

- Referral to counseling and health services;
- Modification of work arrangements and/or scheduling;
- Campus escorts;
- Academic scheduling adjustments.

CONFIDENTIALITY, AMNESTY, AND NON-RETRALIATION STATEMENT

Information related to a report of sexual misconduct will be shared only with those who need to know to assist in the resolution of the matter. Reporting students may request confidentiality or that their report not go through a formal resolution process. Generally, the Title IX Coordinator will be able to honor such requests, except where a threat to the community exists based on the use of weapons, violence, pattern, or other threatening conduct by the accused.

A student who reports sexual misconduct, either as a complainant or third-party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that they did not place the health or safety of any other person at risk. Retaliation against an individual for reporting sexual misconduct or participating in the complaint resolution process is prohibited. Retaliation concerns should be reported to the Title IX Coordinator.

TITLE IX SEXUAL MISCONDUCT GRIEVANCE PROCESS SUMMARY

(See the Title IX Sexual Misconduct Policy at <https://mccollege.edu/consumer-information/> for detailed information)

➤ FORMAL COMPLAINT

A Formal Title IX Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the school investigate the allegation of sexual misconduct

➤ INFORMAL RESOLUTION

Once the formal complaint is filed, the college may choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution.

➤ FORMAL INVESTIGATION

The college will investigate Title IX sexual harassment allegations in any formal complaint. 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.

➤ INVESTIGATIVE REPORT

After the investigation has been completed, the investigator will prepare a report and will send the parties, and their advisors, an investigative report in electronic format or hard copy, with at least 10 days for the parties to respond. Parties may provide a written response to the investigative report prior to the hearing.

➤ HEARING

As part of the grievance process, the college will conduct a live hearing with cross-examination included as part of the hearing. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor

of choice and never by a party personally. If a party does not have an advisor present at the live hearing, the school will provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

➤ STANDARD OF PROOF

The college uses the *preponderance of the evidence standard*. A preponderance of the evidence means whether the information provided during the investigation and hearing supports a determination that it is "more likely than not" a violation of the Title IX Sexual Misconduct policy has occurred.

➤ WRITTEN DETERMINATION

The adjudicator will issue a written determination after the hearing. The written determination will be sent simultaneously to the parties along with information about how to file an appeal.

➤ APPEAL

The college will offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

➤ SANCTIONS

Sanctions for sexual misconduct offenses may include verbal or written warning, mandatory educational programming, probation, suspension from school or employment, and termination of enrollment or employment at MCC.