

Prohibiting Sex Discrimination (100.42)

Date Adopted: September 17, 2024 (Effective August 1, 2024; formerly Policy 100.31)

I. Policy Statement

Illinois Eastern Community College District #529 is committed to maintaining a safe and healthy educational and employment environment that is free from sex discrimination, which includes discrimination and harassment based on sex, sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, and gender identity and expression. IECC also prohibits discrimination and harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, and gender identity and expression under its Nondiscrimination Policy 100.8.

It is the policy of IECC to comply with *Title IX of the Education Amendments of 1972* ("Title IX"), the *Violence Against Women Reauthorization Act* ("VAWA"), Title VII of the *Civil Rights Act of 1964* ("Title VII"), the *Illinois Human Rights Act*, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act"), the *Preventing Sexual Violence in Higher Education Act*, and all other applicable laws and local ordinances regarding unlawful sex-based discrimination, harassment or other misconduct.

Individuals found to have engaged in prohibited sex discrimination will be subject to disciplinary action, up to and including termination and/or expulsion from IECC.

II. Title IX Compliance

As required under Title IX, IECC does not discriminate on the basis of sex and prohibits sex discrimination in the education programs and activities that it operates. IECC's commitment not to discriminate and prohibition on discrimination extends to admissions and employment.

IECC has designated the Program Director of Grants and Compliance as the Title IX Coordinator, who is responsible for coordinating IECC's efforts to comply with its responsibilities under Title IX. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be directed to IECC's Title IX Coordinator, the Assistant Secretary for Civil Rights at the United States Department of Education, or both.

III. Retaliation Prohibited

Retaliation, including intimidation, threats, coercion, or discrimination against any person who, in good faith, reports or discloses alleged sex discrimination, files a complaint, or otherwise participates or declines to participate in an investigation into allegations of sex discrimination, is strictly prohibited.

IV. Implementing Procedures

IECC will establish, maintain and publish procedures implementing this Policy, which set forth:

- The application and scope of IECC's prohibition on sex discrimination;
- Definitions of prohibited conduct and a definition of consent;
- Responsibilities of and contact information for IECC's Title IX Coordinator and the Department of Human Resources;
- Options for assistance following an incident of sex discrimination;
- Procedures for reporting and confidentially disclosing alleged sex discrimination;
- IECC's response to reports of alleged sex discrimination;
- IECC's grievance procedures for complaints alleging sex discrimination, including complaints alleging sex-based harassment;
- A mechanism for reporting and independent review of allegations against one elected official by another elected official;

- Prevention and education programming provided to IECC students; and
- Training and education provided to all IECC employees.

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Date Adopted: 9/4/2024 (Effective August 1, 2024; formerly Procedure 100.31)

NOTE: Alleged sexual misconduct complaints that occurred before August 1, 2024, will be addressed per Procedure 100.31.

I. Purpose

IECC is committed to maintaining a safe and healthy educational and employment environment that is free from sex discrimination, which includes discrimination and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity or expression, as well as sexual violence, domestic violence, dating violence and stalking.

As part of this commitment, IECC does not adopt or implement any policy, procedure, or practice, or take any action regarding a student, employee, or applicant for employment, that discriminates against such individuals on the basis of their current, potential, or past pregnancy or related conditions, or that treats such individuals differently on the basis of sex with regard to their current, potential, or past parental, family, or marital status, or their status as the head of household or principal wage earner in their family unit.

IECC Administration has adopted these Procedures to implement IECC's Policy Prohibiting Sex Discrimination and Nondiscrimination Policy 100.8, ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with *Title IX of the Education Amendments of 1972* ("Title IX"), relevant sections of the *Violence Against Women Reauthorization Act* ("VAWA"), Title VII of the *Civil Rights Act of 1964* ("Title VII"), relevant sections of the *Illinois Human Rights Act*, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act"), the *Preventing Sexual Violence in Higher Education Act*, and other applicable laws, regulations and ordinances.

IECC has an affirmative duty to respond promptly and effectively once it has knowledge of conduct that may reasonably constitute sex discrimination in its education program or activity. IECC will promptly and equitably resolve complaints of sex discrimination in accordance with the procedures set forth below.

II. Application and Scope

IECC's Policy Prohibiting Sex Discrimination and these implementing Procedures apply to everyone in IECC's education programs and activities, including students, faculty and staff, applicants for admission or employment, and third parties, whenever the alleged sex discrimination occurs:

- On IECC property or any property owned or controlled by an IECC-recognized student organization;
- Off IECC property if:
 - The conduct was in connection with IECC or IECC-recognized program or activity; or
 - The conduct may have the effect of creating or contributing to the creation of a hostile environment for a member of IECC community; or
- Otherwise within IECC's disciplinary authority for students or employees.

These Procedures govern sex discrimination in various forms, many of which may trigger legal obligations under one or more state and federal laws. In no case does the inapplicability of a particular legal framework prevent IECC from addressing an act of misconduct that falls within the scope of these Procedures or other applicable IECC policies and procedures.

III. Administration and Enforcement**Title IX Coordinator**

IECC has designated the Program Director of Grants and Compliance as the Title IX Coordinator. Contact information for the Title IX Coordinator(s) is as follows:

Libby McVicker
Program Director of Grants and Compliance

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Illinois Eastern Community Colleges
305 N. West Street
Olney, IL 62450
Telephone: (618) 393-3491
Email: mcvickero@iecc.edu

Responsibilities of the Title IX Coordinator include, but are not limited to:

- Coordinating IECC's efforts to comply with its responsibilities under Title IX and 34 C.F.R. Part 106, and other applicable laws and regulations, to provide an educational and employment environment that is free from sex discrimination.
- Ensuring that students, employees, applicants for admission and employment, and unions and professional organizations holding collective bargaining or professional agreements with IECC are appropriately notified of IECC's prohibition on sex discrimination.
- Overseeing IECC'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 IECC 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 IECC'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.

Human Resources

The IECC Executive Director of Human Resources will coordinate with the Title IX Coordinator with respect to any complaints of sex discrimination that involve an IECC employee as the complainant or as the respondent.

For complaints of sex discrimination that involve an IECC employee as the respondent, investigatory and disciplinary procedures required by any applicable collective bargaining agreement will apply in addition to these Procedures.

External Agencies

Inquiries concerning the application of Title IX may be referred to the Assistant Secretary for Civil Rights at the United States Department of Education:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: (312) 730-1560
Email: OCR.Chicago@ed.gov

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Additionally, the Illinois Department of Human Rights has established a helpline for individuals to obtain information about their reporting options and referrals to other resources. The helpline is available Monday through Friday, from 8:30 a.m. to 5:00 p.m., at (877) 236-7703.

IV. Options for Assistance Following an Incident of Sex Discrimination

A. Emergency Services

Anyone who experiences or observes **an emergency situation should immediately call 911** and/or one of the phone numbers listed below (IECC does not have on-campus law enforcement):

Frontier Community College	
Fairfield Police	911 or 618-842-2151
Wayne County Sheriff	618-842-6631
Lincoln Trail College	
Robinson Police	911 or 618-544-2217
Crawford County Sheriff	618-546-1515
Olney Central College	
Olney Police	911 or 618-395-8481
Richland County Sheriff	618-395-7481
Wabash Valley College	
Mt. Carmel Police	911 or 618-262-4433
Wabash County Sheriff	618-262-4186

B. Crisis Response Services

The following on- and off-campus resources can provide an immediate confidential* response in a crisis situation, as well as ongoing assistance and support:

On-Campus Confidential Employees:

IECC does not have any confidential employees.

Off-Campus Confidential Resources:

Prevail Illinois (formerly CAISA) (website: <https://www.prevailil.org>)

Serving Lincoln Trail, Olney Central, and Wabash Valley:

Olney Office, 208 E. Main, Olney, IL 62450, 618-879-2130

Robinson Office, 10499 N. State Hwy 1, Ste. 1, Robinson, IL 62454, 618- 544-9379

After-Hours Crisis Hotline: 888-345-2846

SAFE (website: <https://safecrisiscenter.org>)

Serving Frontier Community:

Mt. Vernon, IL Office, 4114 N. Water Tower Pl. Ste. G, Mt. Vernon, IL 62864, 618-316-7017

After-Hours Crisis Hotline: 800-625-1414

*Indicates Confidential Advisors, as defined in Appendix A.

Note: While the above-listed individuals may maintain a reporting person’s confidentiality vis-à-vis IECC, they may have reporting or other obligations under State law.

C. Medical Services

Individuals may seek treatment for injuries, preventative treatment for sexually transmitted disease, and/or other health services by contacting one of the following health care providers:

- Frontier Community College
- Fairfield Memorial Hospital

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33 N.W. 11th Street
 Fairfield, IL 62837-2601
 Phone: 618-842-2611
 FMH has a transfer agreement with SSM Health Good Samaritan Hospital in Mt. Vernon.

Lincoln Trail College
 Crawford Memorial Hospital*
 1000 N. Allen Street
 Robinson, IL 62454
 Phone: 618-544-3131
 Provides sexual assault forensic examination and health care to pediatric, adolescent, and adult survivors.

Olney Central College
 Carle Richland Memorial Hospital
 800 E. Locust Street
 Olney, IL 62450
 Phone: 618-395-2131
 CRMH has a transfer agreement with SSM St. Mary's in Centralia for adults and adolescent survivors and SSM Good Samaritan in Mt. Vernon for all pediatric survivors.

Wabash Valley College
 Wabash General Hospital
 1418 College Drive
 Mt. Carmel, IL 62863
 Phone: 618-262-8621
 WGH has a transfer agreement with SSM Health Good Samaritan Hospital in Mt. Vernon.

*Indicates health care options which provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost, pursuant to the *Sexual Assault Survivors Emergency Treatment Act* (410 ILCS 70).

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

Off-campus health care providers will generally maintain confidentiality and not share information with IECC unless the reporting person requests the disclosure and signs a consent or waiver form. Note, however, that while these health care providers may maintain a reporting person's confidentiality vis-à-vis IECC, they may have other reporting obligations under State law.

V. Reporting Sex Discrimination

IECC encourages individuals who have experienced sex discrimination to talk with someone about what happened so that they can get the support they need and so that IECC can respond appropriately.

A. Reporting Options and Notification Requirements

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. IECC's Title IX Coordinator is the IECC Program Director of Grants and Compliance.
2. Reporting to Responsible Employees
 Some IECC employees (referred to as "Responsible Employees") are required to notify the Title IX Coordinator when they have information about conduct that may reasonably constitute sex

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discrimination. This notification must include all relevant details about the alleged sex discrimination, including the date, time and specific location of the alleged incident(s) and the names of all involved individuals. To the extent possible, information shared with a Responsible Employee will be disclosed only to the Title IX Coordinator and/or those individuals responsible for handling IECC's response to the report.

The following categories of employees are IECC's Responsible Employees:

- IECC Administrators
- Supervisors and Managerial Staff
- Faculty
- Athletic Coaches
- Student Services and Student Affairs Staff including College & Career Specialists
- Advisors (e.g., student club/organization advisors, academic advisors, career advisors, financial aid staff)

3. Confidential Reporting

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

On-Campus Confidential Employees:

IECC currently has no confidential employees.

Off-Campus Confidential Resources:

Prevail Illinois (formerly CAISA) (website: <https://www.prevailil.org>)

Serving Lincoln Trail, Olney Central, and Wabash Valley:

Olney Office, 208 E. Main, Olney, IL 62450, 618-879-2130

Robinson Office, 10499 N. State Hwy 1, Ste. 1, Robinson, IL 62454, 618- 544-9379

After-Hours Crisis Hotline: 888-345-2846

SAFE (website: <https://safecrisiscenter.org>)

Serving Frontier Community:

Mt. Vernon, IL Office, 4114 N. Water Tower Pl. Ste. G, Mt. Vernon, IL 62864, 618-316-7017

After-Hours Crisis Hotline: 800-625-1414

More information can be found on the IECC websites: www.iecc.edu/titleix and www.iecc.edu/mentalhealth.

*Indicates Confidential Advisors, as defined in Appendix A.

The confidential resources listed in this section are not required to report any information about an alleged incident to the Title IX Coordinator without the reporting party's permission.

Note: While the resources listed above may maintain an individual's confidentiality vis-à-vis IECC, they may have reporting or other obligations under State law. Any IECC employee who suspects or receives knowledge that a person may be an abused or neglected child must: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

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

4. Reporting to Other IECC Employees

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While only designated Responsible Employees are required to notify the Title IX Coordinator when the Responsible Employee has information about conduct that may reasonably constitute sex discrimination, all members of IECC community (including students) are encouraged to notify the Title IX Coordinator when they have information about such incidents.

An employee who is not a Responsible Employee or confidential employee and who receives information about conduct that may reasonably constitute sex discrimination is required to either:

- Notify the Title IX Coordinator; or
- Provide the reporting party with the contact information of the Title IX Coordinator and information about how to make a complaint under these Procedures.

5. Electronic Reporting and Anonymous Reports

IECC maintains an online system for electronic reporting, which can be found at the following link: www.iecc.edu/titleix. The reporting party may choose to provide their identity or may choose to report anonymously. The system will notify the reporting party, before they enter information, that entering personally identifying information may serve as notice to IECC for the purpose of triggering an investigation. Where a reporting party chooses to provide their identity and contact information through the online system, IECC will respond to the reporting party within 12 hours with a copy of the notification of rights and options described in Section VI below.

B. Student Participation in Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to IECC of sex discrimination for purposes of triggering an obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and IECC will provide information about students’ rights at these events.

C. 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. IECC 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. IECC 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. IECC 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 IECC’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 IECC has initiated the grievance procedures (see Section VII) or offered an informal resolution process to the respondent (see Section VIII), offer and coordinate supportive measures, as appropriate, for the respondent.
- Notify the complainant or, if the complainant is unknown, the individual who reported the alleged conduct, of the grievance procedures and the informal resolution process, if available and

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appropriate, and concise written information about the complainant’s rights and options pursuant to these Procedures.

- In response to a complaint, initiate the grievance procedures, or the informal resolution process if available and appropriate and requested by both parties.
- In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, considering the factors outlined in Section VII.A.2.
- 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 IECC’s education program or activity, including measures that are designed to protect the safety of the parties or IECC’s educational environment; and (2) provide support during IECC’s grievance procedures or during an informal resolution process.

Examples of supportive measures that IECC 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 IECC deems reasonably available, any supportive measures offered will be designed to protect the safety of the parties or IECC’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 the Director of Learning Commons 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 IECC’s education program or activity, or as otherwise permitted by law, in conjunction with any response required by these Procedures.

100.42 Prohibiting Sex Discrimination2. 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, IECC may remove a respondent from IECC's education program or activity on an emergency basis, where IECC 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, IECC will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Nothing in these Procedures limits IECC'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, IECC 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 IECC to maintain a public crime log and publish an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault.

VII. Grievance Procedures for Sex Discrimination Complaints

This Section provides IECC's grievance procedures for investigating and adjudicating complaints of alleged sex discrimination. The procedures in Section VII.A apply to all complaints of alleged sex discrimination, except as provided in Section VII.B. The supplemental/alternative procedures in Section II.B apply only to complaints of alleged sex-based harassment involving a student party (complainant or respondent), in addition to (or in lieu of, where noted) the procedures outlined in Section VII.A.

A. Procedures for All Sex Discrimination Complaints1. General Guidelines

IECC's grievance procedures adhere to the following general guidelines:

- IECC will treat complainants and respondents equitably.
- IECC will ensure that any person designated as a Title IX Coordinator, Investigator, or Decisionmaker has been trained to serve in their designated role consistent with applicable legal requirements.

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- IECC will require that any person designated as a Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
 - The respondent will be presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
 - IECC 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.
 - IECC 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.
 - IECC 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 IECC 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 IECC obtains that party's or witness's voluntary, written consent for use of such records in IECC'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 grievance procedures will be implemented in a prompt and equitable manner. Timeframes for the major stages of the grievance procedures are outlined in Sections VII.A and VII.B. IECC may reasonably extend timeframes and deadlines on a case-by-case basis for good cause with a written notice to the parties that includes the reason for the delay. A party wishing to request an extension of a deadline must notify IECC in writing of their request, including the reason for the request, at least one (1) business day in advance of the deadline. Both parties will be notified in writing of IECC's determination and any amended timeframe and/or deadline that applies as a result of the determination.
 - Where an appeal is filed, IECC will implement appeal procedures equally for both parties and will ensure that the Appellate Decisionmaker did not take part in the underlying investigation or determination regarding responsibility or dismissal of the complaint.
2. Complaint Initiation
The following individuals have a right to make a complaint under these grievance procedures:

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- (a) A complainant, as defined in Appendix A;
- (b) A parent, guardian, or other authorized legal representative, with the legal right to act on behalf of a complainant;
- (c) IECC's Title IX Coordinator, after making the determination specified in this Section VII.A.2; and
- (d) For complaints of sex discrimination other than sex-based harassment, in addition to the individuals listed under items (a) through (c) above:
 - (i) Any student or employee; or
 - (ii) Any person other than a student or employee who was participating in or attempting to participate in IECC's education program or activity at the time of the alleged sex discrimination.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint, considering, at a minimum, the following factors:

- 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 IECC;
- 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 IECC 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.

Where the Title IX Coordinator determines that the conduct as alleged could constitute sex discrimination and that none of the bases for dismissal in Section VII.A.4 apply, the Title IX Coordinator will initiate the grievance procedures and issue a notice of allegations to both parties (see Section VII.A.6). Where the Title IX Coordinator determines that the conduct as alleged would not constitute sex discrimination or that one or more bases for dismissal in Section VII.A.4 apply, the Title IX Coordinator will dismiss the complaint, or allegations therein, as provided in Section VII.A.4, and will issue written notice of the dismissal to the complainant. Dismissal of a complaint under these Procedures does not preclude action under other IECC policies and procedures.

4. Complaint Dismissal

IECC may dismiss a complaint if:

- IECC is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in IECC's education program or activity and is not employed by IECC;

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- The complainant voluntarily withdraws any or all of the allegations in writing, the Title IX Coordinator declines to initiate a complaint, and IECC determines that, without the withdrawn allegations, the remaining alleged conduct, if any, would not constitute sex discrimination even if proven; and/or
- IECC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination. Before dismissing the complaint on this basis, IECC will make reasonable efforts to clarify the allegations in the complaint.

Upon dismissal, IECC will promptly notify the complainant in writing of the ground(s) for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then IECC will notify the parties simultaneously in writing of the dismissal and the ground(s) for the dismissal. Any written notice of dismissal will include information about the right to appeal the dismissal and the permissible bases for appeal. If a dismissal is appealed, IECC will follow the procedures outlined in Section VII.A.9.

When a complaint is dismissed, IECC will, at a minimum:

- Offer supportive measures to the complainant, as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent, as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within IECC's education program or activity.

5. Consolidation of Complaints

IECC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by the one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student party (complainant or respondent), IECC will apply the additional/alternative procedures in Section VII.B.

6. Notice of Allegations

Upon initiation of an investigation under these grievance procedures, IECC 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);
- IECC'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: If IECC provides access to an investigative report, IECC will offer an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- That the parties may be accompanied to any meeting or proceeding by an advisor of their choice who may be, but is not required to be, an attorney;

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- That Section V-O and V-S-2 of the IECC Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, during the course of an investigation, IECC decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

7. Investigation

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 IECC—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.

After the Investigator completes the investigation, including conducting all relevant investigatory interviews and gathering and reviewing all evidence to determine its relevance and permissibility, the Investigator will provide both parties (and the parties' advisors, if any) with notice of the opportunity to access either the relevant and not otherwise impermissible evidence or a written investigative report that accurately summarizes this evidence, as well as a reasonable opportunity to review and respond to the evidence or investigative report. If the Investigator provides a written investigative report, the Investigator will also provide each party with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

IECC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

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 allegations, unless the timeframe is extended pursuant to Section VII.A.1 of these Procedures.

100.42 Prohibiting Sex Discrimination8. Decisionmaker Review and Determination

Upon the conclusion of the investigation phase, the Title IX Coordinator will appoint an impartial Decisionmaker to make a determination regarding responsibility relative to the complaint. The Title IX Coordinator will provide the Decisionmaker with a copy of the investigative report, if any, the relevant and not otherwise impermissible evidence gathered during the investigation, and the parties' responses to the investigative report or evidence, if any ("investigative materials").

IECC will provide a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party's or a witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. For complaints that are not of sex-based harassment involving a student party, the Decisionmaker will have discretion to question parties and witnesses in person, by phone or other remote means, or in writing as necessary to assess the party's or witness's credibility.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker will not draw an inference about whether sex discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Following the Decisionmaker's review and evaluation of all relevant and not otherwise impermissible evidence, the Decisionmaker will:

- Within fifteen (15) business days after the Decisionmaker's receipt of the investigatory materials, use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.
- Within seven (7) business days after making the determination, notify the parties simultaneously in writing of the determination regarding responsibility. The written determination will include:
 - A description of the alleged sex discrimination;
 - Information about the policies and procedures that the Decisionmaker used to evaluate the allegations;
 - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex discrimination occurred;
 - 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
 - IECC's procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility will become final either on the date that IECC 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.

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- For complaints that involve sex-based harassment involving a student party, an appeal can be filed based on the grounds that the sanction is disproportionate with the violation.

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. The written notice of appeal will also notify the parties of their reasonable and equitable opportunity to submit a statement in support of, or challenging, the determination or dismissal that is the subject of the appeal.

Within ten (10) business days after the deadline for the parties to submit their statements in support of, or challenging the determination or dismissal, 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 IECC identifies as having had equal access to IECC'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 IECC's education program or activity.

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

- Suspension or expulsion from IECC
- Restrictions on access to IECC property
- Loss of Employment
- Required trainings/ performance improvement plan

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

Possible remedies that IECC may provide to a complainant or other individuals include, but are not limited to:

- Assisting the victim and/or complainant to change his/her academic and/or work environment if requested and reasonable available
- Providing an escort to ensure that the victim and/or complainant can move safely between classes, work, and/or activities
- Ensuring that the victim and/or complainant and the respondent do not attend the same classes
- Identifying counseling services
- Identifying medical services

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- Providing academic support services, such as tutoring
- Arranging for the victim and/or complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the victim and/or complainant's academic record

B. Supplemental/Alternative Procedures for Sex-Based Harassment Complaints Involving a Student Party

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.

1. 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 writing, within three (3) business days after the party's receipt of the name of the appointed Decisionmaker.

The process enabling the Decisionmaker to question parties and witnesses to adequately assess their credibility will consist of individual question-and-answer meetings facilitated by the Decisionmaker.

Prior to convening the individual meetings, both parties will be notified, in writing, of the opportunity to submit proposed questions to be asked of the other party and any witnesses during the individual meetings. The Decisionmaker will determine whether each proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible to the party who proposed the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decisionmaker will provide a party with an opportunity to clarify or revise a proposed question that the Decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the proposed question, the question will be asked.

During the individual meetings, the Decisionmaker will pose the submitted questions deemed relevant and appropriate. The Decisionmaker may also pose the Decisionmaker's own questions to the party or witness. If a party has an advisor, the advisor will be permitted to accompany the party to their individual meeting(s); however, the same limitations on the advisor's role that apply during the investigation phase will apply during the individual meeting(s).

The Decisionmaker will create an audio or audiovisual recording or transcript of each individual meeting and will provide each party with the recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

To account for the additional time needed for the Decisionmaker to facilitate the question-and-answer meetings, the Decisionmaker's deadline for making the determination of responsibility for sex-based harassment complaints involving a student party will be thirty (30) business days after the parties' deadline to request substitution of the appointed Decisionmaker (or, if the Decisionmaker is substituted, the parties' receipt of the name of the substituted Decisionmaker), rather than the fifteen (15) business day deadline outlined in Section VII.A.8.

In addition to the components listed in Section VII.A.8, the Decisionmaker's written determination regarding responsibility will include, if applicable and to the extent appropriate, other students identified by IECC to be experiencing the effects of sex-based harassment.

2. Appeals

In addition to the grounds listed in Section VII.A.9, the parties to a sex-based harassment complaint involving a student party may appeal a determination regarding responsibility on the ground that the sanction is disproportionate to the violation.

100.42 Prohibiting Sex Discrimination**VIII. Informal Resolution Procedure**

In lieu of resolving a complaint through the grievance procedures, the parties may instead request to participate in an informal resolution process. IECC will inform the parties in writing of any informal resolution process that it offers and determines is appropriate, if one is available. IECC will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, IECC will provide the parties with written notice of:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information IECC will maintain and whether and how IECC could disclose such information for use in grievance procedures if such procedures are initiated or resumed.

IX. Board Member Allegations

Members of IECC's Board of Trustees and other elected officials should promptly report claims of sex discrimination against a Board member to the Board Chair or IECC President. If the report is made to IECC President, the President shall promptly notify the Board Chair, or if the Board Chair is the subject of the complaint, the Board Vice Chair. When a complaint of sex discrimination is made against a member of the Board of Trustees, the Board Chair shall consult with legal counsel for IECC to arrange for an independent review of the allegations. If the allegations concern the Board Chair, or the Board Chair is a witness or otherwise conflicted, the Board Vice Chair shall so consult with legal counsel. If the allegations concern both the Board Chair and the Board Vice Chair, and/or they are witnesses or otherwise conflicted, the Board Secretary shall so consult with legal counsel.

X. Prevention and Education for Students

IECC will review, on an ongoing basis, its sex discrimination and sexual misconduct prevention and education programming to ensure that students are provided with substantive opportunities to learn about sex discrimination (including sex-based harassment), primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant IECC policies and procedures, retaliation, survivor-centered and trauma informed response, relevant definitions, and other pertinent topics.

IECC, in conjunction with its campus-wide task force established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its prevention and education offerings to identify ways in which to enhance its effectiveness.

XI. Training

All IECC employees receive annual training on IECC's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, including the definition of sex-based harassment, and all applicable notification and information requirements under Section V.A of these Procedures.

In addition to the above training, the Title IX Coordinator, campus law enforcement, campus security, and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sex discrimination, or in the referral or provision of services to survivors, receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant IECC policies and procedures,

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retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

Individuals who investigate or resolve complaints, including through informal resolution, or who have the authority to modify or terminate supportive measures, receive at least 8-10 hours of annual training on issues related to *Preventing Sexual Violence in Higher Education Act* offenses including sexual violence, domestic violence, dating violence, and stalking; IECC's obligations under Title IX and related laws; the definitions of sex discrimination and the specific forms of prohibited conduct; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; how to conduct IECC's grievance procedures outlined in Section VII of these Procedures; and issues of relevance, including the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures. Decisionmakers also receive training on any technology to be used at question-and-answer meetings, informal resolution facilitators receive training on the rules and practices associated with IECC's informal resolution process, and IECC's Title IX Coordinator receives training on their specific responsibilities and on IECC's recordkeeping system and applicable recordkeeping requirements.

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. Confidential Advisors also receive periodic training on IECC administrative process, interim protective measures and accommodations, and IECC's grievance procedures pursuant to Section VII above.

IECC, in conjunction with its campus-wide task force established pursuant to the *Campus Security Enhancement Act of 2008* (110 ILCS 12/10), will annually review its training offerings to identify ways in which to enhance its effectiveness.

The training provided to IECC employees will not rely on sex stereotypes and will promote impartial investigations and adjudications of complaints of alleged sex discrimination.

100.42 Prohibiting Sex Discrimination**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 IECC's education program or activity at the time of the alleged sex discrimination.
- C. **Complaint:** an oral or written request to IECC that objectively can be understood as a request for IECC to investigate and make a determination about alleged sex discrimination.
- D. **Confidential Advisor:** a person who is employed or contracted by IECC 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 IECC 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 IECC 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 IECC whose communications are privileged or confidential under Federal or State law; (2) an employee whom IECC has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination; (3) an employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination. A Confidential Employee may or may not also be a Confidential Advisor.
- F. **Consent:** knowing and freely given agreement to engage in sexual activity. Coercion, force, or the threat of either invalidates consent. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person's manner of dress does not constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: 1) the person is incapacitated due to the use or influence of alcohol or drugs; 2) the person is asleep or unconscious; 3) the person is 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 romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- H. **Disciplinary Sanctions:** consequences imposed on a respondent following a determination that the respondent violated IECC's prohibition on sex discrimination.
- I. **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or 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 State of Illinois.
- J. **Hostile Environment Sex-Based Harassment:** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a

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person's ability to participate in or benefit from IECC's education program or activity. Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following: (1) the degree to which the conduct affected the complainant's ability to access IECC's education program or activity; (2) the type, frequency, and duration of the conduct; (3) the parties' ages, roles within IECC's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (4) the location of the conduct and the context in which the conduct occurred; and (5) other sex-based harassment in IECC's education program or activity.

- K. **Incapacitation:** when a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or an intellectual or other disability which prevents the person from having the capacity to give consent.
- L. **Intimidation:** to intentionally make another timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by IECC's Policy Prohibiting Sex Discrimination and these Procedures.
- M. **Peer Retaliation:** retaliation by a student against another student.
- N. **Pregnancy or Related Conditions:** includes (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, 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 IECC identifies as having had their equal access to IECC's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to IECC's education program or activity after IECC determines that sex discrimination occurred.
- R. **Respondent:** a person who is alleged to have violated IECC's prohibition on sex discrimination.
- S. **Responsible Employee:** an IECC employee who (a) has the authority to institute corrective measures on behalf of IECC, or (b) has responsibility for administrative, leadership, teaching, or advising in IECC's education program or activity. Section V.A.2 of these Procedures lists categories of employees who are Responsible Employees for IECC.
- T. **Retaliation:** intimidation, threats, coercion, or discrimination by IECC, a student, or an employee or other person authorized by IECC to provide aid, benefit or service under IECC's education program or activity, for the purpose of interfering with any right or privilege secured by IECC's Policy Prohibiting Sex Discrimination and/or the laws and regulations cited therein, or because the person reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under these Procedures. Retaliation may result in disciplinary or other action independent of the sanctions, remedies or supportive measures imposed in response to the allegations of sex discrimination.
- U. **Sexual Assault:** an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- 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

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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:** physical sexual acts attempted or perpetuated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of prohibited sex discrimination.
- Y. **Specific Offenses:** sexual assault, sexual violence, dating violence, domestic violence, and stalking, as defined in Appendix A.
- Z. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
- AA. **Supportive Measures:** 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 IECC's education program or activity, including measures that are designed to protect the safety of the parties or IECC's educational environment, or (2) provide support during IECC's grievance procedures or during an informal resolution process.
- BB. **Survivor:** an individual who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled, employed, or attending an event at a higher education institution.
- CC. **Survivor-Centered:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- DD. **Threat:** any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.
- EE. **Trauma-Informed Response:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- FF. **Quid Pro Quo Harassment:** when an employee, agent, or other person authorized by IECC to provide aid, benefit, or service under IECC's education program or activity explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.