

Sexual Misconduct and Violence

Highland Community College prohibits sexual assault, dating violence, domestic violence, and stalking. Such conduct violates the values and principles of our institution and disrupts the learning and working environment for students, faculty, staff, and other community members. Any attempt by a student, employee or volunteer of Highland, or those on Highland property, to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is considered a violation of this policy.

Highland Community College definitions for the purposes of enacting this policy include:

Sexual Misconduct can include any form of sexual harassment, sexual assault, domestic violence, dating violence, or stalking.

Sexual Harassment is illegal under both state and federal law and objectionable under any circumstance. It is the College's policy that no member of the College community may sexually harass any other member of the College community as identified in policy 4.034.

Consent is an affirmative, unambiguous and freely given agreement to the act of sexual penetration or sexual conduct. Use of alcohol, drugs, or other intoxicants does not diminish one's responsibility to obtain consent. Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. An individual's manner of dress can not independently provide consent. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship, participation in prior sexual activity, or the lack of any verbal or physical resistance. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

Sexual Assault is any type of sexual contact or behavior that occurs without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age, incapacity, or physical or mental disabilities.

Domestic Violence is defined as abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. It includes any behaviors that are intended to intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Any person who hits, chokes, kicks, threatens, harasses, or interferes with the personal liberty of another family or household member has violated Illinois domestic violence law. Illinois law states that domestic violence is physical abuse, harassment, forcible actions, or interference with

the personal liberty of another family or household member (including but not limited to spouses, former spouses, dating partners, and people who share a home, such as roommates).

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and is a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Dating violence is a form of domestic violence and is also known as intimate partner violence.

Stalking is committed when a person (a) engages in a course of conduct directed at a specific person, and the conduct would cause that person to fear for his or her safety or the safety of another, or suffer other emotional distress; (b) follows/observes a person on at least two separate occasions and transmits a threat, or causes fear of bodily harm, sexual assault, confinement, or restraint of that person or a family member; or (c) has previously been convicted of stalking and on one occasion follows/observes that same person and transmits a threat of bodily harm, sexual assault, confinement, or restraint to that person or a family member.

Reporting Procedures:

It is the express policy of the College to encourage victims of sexual misconduct, regardless of where the incident occurred, to come forward with such claims. Claims not involving Highland students, employees, volunteers, or not occurring on Highland property, should be reported to law enforcement. In order to permit Highland to perform an investigation of incidents involving students, staff, or those on college property, any incident of sexual misconduct should be reported as follows:

1. Formal Reporting by a Victim or Bystander (third party) Reporting to a College Official:

When a report of an incident of sexual misconduct or violence is made by a student it will be investigated by the Title IX Coordinator or a deputy investigator. Reports of incidents by College employees may be made to the Title IX Coordinator or filed electronically. If the Title IX Coordinator is the offending person, reports may be made to the Director of Adult Education (investigator) or the Associate Vice President of Human Resources (investigator) who will investigate the complaint. Incidents can be reported in the following ways:

- Leave a private voice message for the Title IX Coordinator;
- Send a private email to the Title IX Coordinator;
- Mail a letter to the Title IX Coordinator's office;
- Visit the Title IX Coordinator (although it is best to make an appointment first to ensure availability);
- Reporting to another trusted college official (e.g., faculty member, coach, advisor) who will then provide information as required under the Policy to the Title IX Coordinator.

- File a report through the online incident reporting system at <https://publicdocs.maxient.com/incidentreport.php?HighlandCC>

2. Anonymous Reporting:

Anonymous reporting may be made through the College's incident reporting system available on the College web site at:

<https://publicdocs.maxient.com/incidentreport.php?HighlandCC>

The College will investigate anonymous reports, to the extent possible, in an effort to end disruptions of the learning environment and attempt prevent future sexual misconduct.

3. Confidential Reporting:

4. Individuals who desire to confidentially discuss an occurrence of sexual misconduct, harassment, sexual violence, or stalking, may confidentially report such occurrences to certain individuals. These individuals, unless otherwise required by law to report such matters (e.g. Mandatory Reporters for Abuse/Neglect under state law) can provide confidential advice and assistance.

Confidential reporting is available through the HCC Counseling Center (Kami Himes, LCPC) during regularly posted hours of operation, by leaving a message at (815) 599-3654 or by email at counseling@highland.edu.

These individuals will listen and identify resources or explain options available to those persons who make a confidential report. They can also supply the individual with information regarding medical care and the range of options available to them for reporting or seeking help from law enforcement. **DISCUSSING OPTIONS WITH THESE INDIVIDUALS DOES NOT CONSTITUTE AN OFFICIAL COLLEGE REPORT AND WILL NOT, ABSENT FURTHER CONSENT AND REPORTING, RESULT IN INVESTIGATION BY THE COLLEGE.**

5. Reporting to law enforcement:

Victims are strongly encouraged to report t incidents of sexual misconduct or violence to law enforcement. If requested the College will provide assistance in making reports to law enforcement. Students may also report to a Stephenson County Sheriff's Sargent or Deputy assigned to the campus. Reports will also be made to the Title IX Coordinator by law enforcement assigned to campus. The Stephenson County Sheriff's Sargent/Deputy may be contacted at (815) 599-3652.

6. Reporting to a Community Based Sexual Assault Crisis Center:

In Stephenson County, the crisis hotline is available 24 hours a day, 7 days a week, at
Sexual Assault Crisis Line: 815-232-7200
Domestic Violence Crisis Line: 815-235-1641
1401 Crestwood Dr. Freeport, IL 61032
<http://voicesofsc.org/>

In Jo Daviess County the crisis hotline is available 24 hours a day, 7 days a week, at
Galena Sexual Assault
1-888-707-8155
Galena Domestic Violence
1-815-777-3680
<http://www.riverviewcenter.org/>

In Carroll County the crisis hotline is available 24 hours a day, 7 days a week, at
Mt. Carroll Sexual Assault
1-877-273-7772
Mt. Carroll Domestic Violence
1-815-244-1320
<http://www.riverviewcenter.org/>

The National Domestic Violence Hotline
1-800-799-SAFE (7233)
<http://www.thehotline.org/>

Confidentiality of Complaints and Reports

The College recognizes that victims, witnesses and those accused have reasonable expectations of confidentiality and sensitivity in the investigation of sexual misconduct allegations. The College will endeavor to honor and respect such privacy/ confidentiality within the parameters of the law. For example the Title IX Coordinator or investigator is required to disclose certain information to the alleged victim, complainant, accused or witnesses as necessary to give fair notice of the allegations and to conduct the investigation; to other college officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; and to government agencies who review the college's compliance with federal law. The written investigation report and any written decision will be disclosed within seven days of the decision to the alleged victim, complainant, respondent, Title IX Coordinator, and College president or designee for the purpose of adjudicating the complaint, and vice president for student development and college officials as necessary to prepare for subsequent proceedings (e.g., legal counsel or due process hearings).

Immediate Care, College Response and Interim Measures

Victims of sexual misconduct may obtain a forensic medical examination at no cost pursuant to the Sexual Assault Survivors Emergency Treatment Act. The nearest facility to campus with this service is FHN Hospital at 1045 West Stephenson Street, Freeport, IL. The hospital's telephone number is 815-599-6000.

The College will provide victims and complainants with written information about the survivor's rights and options. To the extent necessary the college may take interim measures to assist or protect the parties during the inquiry or investigation process, as deemed necessary and when appropriate with the alleged victim's consent. Such interim measures may include arranging for changes in class schedules, issuing a campus no-contact order, arranging counseling, and modifying test schedules or other class requirements on a temporary basis.

Retaliation

Highland prohibits any form of retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual assault, dating violence, domestic violence or stalking.

Complaint Response and Investigation

The College will provide assistance in reporting to law enforcement (if requested) and will investigate complaints made regarding violations of this policy in a timely manner using the process outlined below:

A person who has experienced, witnessed, or otherwise knows of sexual misconduct in violation of this Policy may file a Formal Complaint by contacting the Title IX Coordinator. A formal complaint may be made either orally or in writing.

Consistent with obligations of due process a copy of the Formal Complaint will be shared with the accused (Respondent) within five (5) working days of receipt by the Title IX Coordinator. The Respondent will be put on notice that retaliation against the Complainant, Alleged Victim, or potential witnesses will not be tolerated and that an investigation will be conducted.

The Respondent will be given an opportunity to provide a written response to the Formal Complaint within fifteen (15) calendar days of his or her receipt of the Formal Complaint.

The Title IX Coordinator and investigators will:

- Designate an investigator to conduct a fact-finding investigation, which will include, at a minimum, a review of written evidence (including the Complaint and response) and interviews with appropriate employees, students, and witnesses. The Title IX Coordinator may serve as investigator;
- Determine the identity and contact information of the Complainant;
- Identify the correct policies allegedly violated;

- Conduct a thorough, reliable, and impartial investigation including attempts to interview the respondent and witnesses;
- Provide opportunities for a complainant, victim and respondent to present evidence and witnesses;
- Allow the complainant, victim and respondent to have an advisor present. Advisors may not speak for the individual or act as an advocate during the process, but are permitted solely for the purpose of providing guidance to the individual;
- Complete the investigation promptly (within 60 calendar days, unless—owing to the complexity of the investigation or the severity and extent of the alleged conduct—more time is necessary to complete the investigation);
- Present findings based on the preponderance of evidence; and
- Present the findings to the Title IX Coordinator, who will deliver the findings, in writing, within ten (10) working days, to the President or designee.

The President shall accept, reject, or modify the recommendation using a preponderance of the evidence standard and provide a written notification of the decision, along with the findings presented by the Title IX Coordinator, to the Complainant, Alleged Victim, and Respondent within fifteen (15) calendar days of receiving the findings and recommendation from the Title IX Coordinator. Any student of the College who is determined, after an investigation, to have engaged in sexual misconduct or violence in violation of this policy is subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with the College's Student Code of Conduct, and where appropriate or requested by a complaining party, referral to law enforcement..

The respondent, complainant and victim have a right to timely appeal if the party alleges a procedural error occurred, new information exists that would substantially alter the findings, or alleges that the sanction is disproportionate to the violation. To appeal the decision of the president, a letter must be submitted in writing to the Title IX Coordinator who will convene the sexual misconduct judicial review panel. A decision will be issued by the review board within seven days of the conclusion of the panel's review. The panel has the authority to interview the complainant, victim or respondent, as well as witnesses, investigators and the adjudicator in conducting the review. The victim, respondent and complainant cannot be compelled to testify in one another's presence, but will be given the opportunity to hear the testimony of the other party and to respond to such testimony.

Amnesty Clause

It is the express Policy of the College that individuals who report incidents in good faith will receive immunity from disciplinary procedures for student code of conduct violations committed by them that become known as a result of investigation by the College, except in the case of egregious misconduct. Any person who knowingly makes a false accusation regarding sexual misconduct or violence will be subject to disciplinary action. This is not a legal proceeding, so the College will not award any compensation to a victim.