

Monmouth College

Policy on Discrimination and Harassment (Including Sexual Misconduct) and Grievance Procedures

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Policy on Discrimination and Harassment (Including Sexual Misconduct)

I. Policy Application and Basis

To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Monmouth College has developed this Policy and accompanying grievance procedures.

This Policy describes the types of discrimination, harassment (including sexual misconduct), retaliation and other conduct prohibited by the College. When the College receives notice or a complaint of alleged conduct prohibited under this Policy, it will respond promptly and equitably using the applicable grievance procedures: Process A (for Non “Title IX Sexual Harassment” allegations) and Process B (for “Title IX Sexual Harassment” allegations). The Equity Coordinator will make the determination of whether Process A or Process B will be applied.

This Policy applies to conduct that occurs (1) on campus or other property owned or controlled by Monmouth College or Monmouth College recognized student organizations, or (2) off campus, if (a) the conduct occurred in connection with a College or College-sponsored or recognized program or activity; or (b) the conduct has or reasonably may have the effect of creating a hostile educational or work environment for a member of the College community.

This Policy applies to all members of the Monmouth College community, which includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The Respondent must be a member of Monmouth College’s community in order for this Policy to apply. For “Title IX Sexual Harassment” complaints, at the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the College’s education program or activity in order to pursue the Formal Resolution Process described in Process B. For all other allegations, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Monmouth College community.

Non-College visitors, guests, patrons, independent contractors, vendors, or clients who violate this Policy will be subject to action in accordance with applicable contractual agreements.

Monmouth College employees may be subject to discipline for failing to comply with their obligations under this Policy.

Monmouth College is committed to the principles of free inquiry and free expression. This Policy is not intended to stifle this freedom, nor will it be permitted to do so. Prohibited discrimination and harassment, however, are neither legally protected expression nor the proper exercise of academic freedom, and such conduct is incompatible with the values of this College.

II. Nondiscrimination Statement and Equity Coordinator

Monmouth College strives to provide an educational and working environment that is free from discrimination and harassment for all members of its community, including faculty, staff, and students.¹ Monmouth College prohibits discrimination and harassment on the basis of race, religion, color, sex, national origin, disability, age, marital status, sexual orientation, gender identity, genetic information, protected veteran status, pregnancy or any other legally protected characteristic. This Policy covers non-discrimination in both employment and access to educational opportunities. This Policy covers alleged discrimination, harassment (including sexual misconduct), and retaliation in all the College's programs and activities, including employment, admissions, and access to educational opportunities.

Monmouth College admits students of any race, religion, color, sex, national origin, disability, age, marital status, sexual orientation, gender identity, genetic information, protected veteran status or pregnancy to all rights, privileges, programs, and activities generally accorded or made available to Monmouth students.

Any inquiries regarding Title IX or this Policy should be directed to the Equity Coordinator identified below. The Equity Coordinator serves as the Title IX/VI Coordinator and the Coordinator for the implementation of the provisions related to misconduct based on other protected categories, such as race and disability, in this Policy. The Equity Coordinator will be available to meet with or talk to students, staff, and faculty regarding issues relating to Title IX/VI and this Policy.

The Equity Coordinator oversees implementation of this Policy. The Equity Coordinator has the primary responsibility for coordinating Monmouth College's efforts related to the initial assessment, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment (including sexual misconduct), retaliation, and other conduct prohibited under this Policy.

The College may appoint a designee to serve as the Equity Coordinator for specific tasks or cases.

Complaints or notice of alleged Policy violations, or inquiries about/or concerns regarding this Policy may be made internally to:

Michelle Merritt
Vice President and Dean for Equity and Well-Being
Equity (Title IX/VI) Coordinator
Monmouth College
Office of Equity and Well-Being, Poling Hall Room 204
700 East Broadway
Monmouth, IL 61462
309-457-2115
mmerritt@monmouthcollege.edu

¹ For the purpose of this Policy, Monmouth College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Monmouth College.

Heather Fisher
Student Access and Support Specialist
Deputy Equity Coordinator
Hewes Library in the ACE (Across from Einstein's)
309-457-2257
hfisher@monmouthcollege.edu

Joan Wertz
Associate Dean of Student Success and Professor of Psychology
Deputy Equity Coordinator
Room 130, Center for Science and Business
309-457-2328
jwertz@monmouthcollege.edu

Heather Turnquist
Administrative Assistant - Senior Women's Administrator for Athletics
Deputy Equity Coordinator
Huff Athletic Center Office
309-457-2176
hturnquist@monmouthcollege.edu

External Inquiries. Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](http://www.eeoc.gov) (EEOC), contact:
www.eeoc.gov.

III. Prohibited Conduct

The sections below describe the specific forms of conduct that are prohibited under this Policy.

Acts of discrimination or harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

A. Discrimination ("Process A" applies)

Discrimination includes actions that deprive or limit access to education, employment, benefits, or other opportunities and/or treat an individual differently on the basis of actual or perceived membership in a class protected by policy or law (as listed in the categories noted in this Policy).

B. Harassment

Harassment includes all forms of sexual, racial, and other harassment on the basis of actual or perceived membership in a class protected by policy or law. Harassment may be in the form of verbal, written, graphic, and/or physical conduct.

1. Non-“Title IX Sexual Harassment” (“Process A” applies)

Harassment under this section is defined as conduct based on a specific protected category that satisfies one or more of the following:

a. *Quid Pro Quo*

- i. An employee, agent, or other person authorized by Monmouth College to provide an aid, benefit, or service under Monmouth’s education program or activity of Monmouth College,
- ii. explicitly or implicitly conditions the provision of an aid, benefit, or service of Monmouth College,
- iii. on an individual’s participation in unwelcome sexual conduct; and/or

b. *Hostile Environment*

- i. Unwelcome conduct,
- ii. taken against a person on the basis of a protected category,
- iii. determined by a reasonable person,
- iv. to be so severe, or
- v. pervasive, or
- vi. objectively offensive,
- vii. that it effectively denies a person equal access to Monmouth College’s education program or activity, and/or

c. *Sexual Assault, domestic violence, dating violence or stalking* as defined below in Section III.B.2.d. of this Policy.

2. “Title IX Sexual Harassment” (“Process B” applies)

Monmouth College has adopted the following definition of “Title IX Sexual Harassment” in order to comply with the requirements mandated by the 2020 Title IX Regulations, 34 CFR Part 106. Sexual Harassment that does not meet the definition set forth in this section may be addressed under Section Non-“Title IX Sexual Harassment.”

Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

a. *Quid Pro Quo*

- i. an employee, agent, or other person authorized by Monmouth College to provide an aid, benefit, or service under Monmouth’s education program or activity of Monmouth College,
- ii. explicitly or implicitly conditions the provision of an aid, benefit, or service of Monmouth College,
- iii. on an individual’s participation in unwelcome sexual conduct; and/or

b. Sexual Harassment

- i. unwelcome conduct,
- ii. determined by a reasonable person,
- iii. to be so severe, and
- iv. pervasive, *and*,
- v. objectively offensive,
- vi. that it effectively denies a person equal access to Monmouth College's education program or activity.

c. Hostile Environment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College's education programs and activities.

d. Sexual Assault, defined as:

- i. Sex Offenses, Forcible:
 - a) any sexual act directed against another person,
 - b) without the consent of the Complainant,
 - c) including instances in which the Complainant is incapable of giving consent.
- ii. Rape:
 - a) penetration,
 - b) forcibly,
 - c) no matter how slight,
 - d) of the vagina or anus with any body part or object, or
 - e) oral penetration by a sex organ of another person,
 - f) without the consent of the Complainant.
- iii. Sodomy:
 - a) oral or anal sexual intercourse with another person,
 - b) forcibly,
 - c) and/or without the consent of that person, or
 - d) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age² or because of temporary or permanent mental or physical incapacity.
- iv. Sexual Assault with an Object:
 - a) the use of an object or instrument to unlawfully penetrate,
 - b) however slightly,
 - c) the genital or anal opening of the body of another person,
 - d) forcibly,
 - e) and/or against that person's will (non-consensually),
 - f) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - g) Fondling:
 - h) the touching of the private body parts of another person (including genitalia, buttocks, groin, breasts),
 - i) for the purpose of sexual gratification,
 - j) forcibly,
 - k) and/or against that person's will (non-consensually),

² Per Illinois state law, 720 ILCS 5/11-1.50(b), the minimum age for giving consent is 17.

- l) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- v. Other Sex Offenses:
 - a) Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other,
 - within the degrees wherein marriage is prohibited by Illinois law.
 - b) Statutory Rape:
 - Non-forcible sexual intercourse,
 - with a person who is under the statutory age of consent of 17.

e. Dating Violence, defined as:

- i. violence,
- ii. on the basis of sex,
- iii. committed by a person,
- iv. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - a) The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - b) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - c) Dating violence does not include acts covered under the definition of domestic violence.

f. Domestic Violence, defined as:

- i. violence,
- ii. on the basis of sex,
- iii. committed by a current or former spouse or intimate partner of the Complainant,
- iv. by a person with whom the Complainant shares a child in common, or
- v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- vi. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois or
- vii. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

g. Stalking, defined as:

- i. engaging in a course of conduct,
- ii. on the basis of sex,
- iii. directed at a specific person, that
 - a) would cause a reasonable person to fear for the person's safety, or
 - b) the safety of others; or
 - c) suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation³

Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Equity Coordinator and will be promptly investigated. Monmouth College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Specifically, it is prohibited for Monmouth College or any member of the Monmouth College community to intimidate, threaten, coerce, harass, discriminate, or otherwise take an adverse action against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and Procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the College's Policy on Freedom of Expression⁴ does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance proceeding under this Policy and Procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith

³ The Equity Coordinator will determine which grievance procedures (Process A or Process B) apply with respect to specific retaliation allegations.

⁴ <https://www.monmouthcollege.edu/offices/student-affairs/freedom-of-expression>.

C. Other Offenses (“Process A” applies)

Monmouth College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

1. **Sexual Exploitation**, defined as taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy.
2. **Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;**
3. **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Monmouth College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
5. **Bullying**, defined as:
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.

Violation of any other Monmouth College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

D. Online Harassment and Misconduct

The policies of Monmouth College are written and interpreted broadly to include online and cyber manifestations of any of the conduct prohibited by this Policy, when the conduct occurs or has an effect on the college’s education program or activities or use of the Colleges’ networks, technology, or equipment.

While Monmouth College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Monmouth College it will engage in a variety of means to address and mitigate the effects. Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Monmouth College community. Any online postings or other electronic communication by students, including cyber-bullying, cyberstalking, cyber-harassment, etc., occurring completely outside of Monmouth

College's control (e.g., not on Monmouth College's networks, websites, or between Monmouth College email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption. Otherwise, such communications are considered protected speech.

Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Monmouth College only when such speech is made in an employee's official or work-related capacity.

IV. Related Terms and Definitions

The following related terms and definitions apply in this Policy:

- *Force*: the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- *Coercion*: unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- *Consent*: The relevant standard that will be applied to determine whether consent was present is whether a sober, reasonable person in the same position should have known the other party could not consent to the sexual activity. Consent to engage in sexual activity must be clear, coherent, ongoing, and willing. This means that silence or lack of verbal/physical resistance is not a "yes".

Consent is not present when:

1. The person is incapacitated voluntarily or involuntarily due to a physical condition including, but not limited to, the use or influence of drugs or alcohol or being unconscious.
 2. The person is underage.
 3. The person has a mental disability that impairs the ability to provide consent.
- *Incapacitation*: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacitation results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

V. Reporting Options

Under this Policy,

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

Allegations of violations of this Policy may be made to the College using any of the following options:

1. **File a complaint with, or give verbal notice to, the [Equity Coordinator](#), a [Deputy Equity Coordinator](#)** or (for “Title IX Sexual Harassment” allegations only) Officials with Authority (found in Section VI.c.). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Equity Coordinator or any other official listed.
2. **Report an Incident** - Complaints may be filed online, at [Report online](#).
3. **Report by calling Campus Safety** at 309-457-3456.
4. **Off-campus Reporting:** Individuals who feel they have experienced a sexual assault or other act of sexual violence, domestic violence, dating violence, or stalking have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College, or to pursue both processes consecutively and/or concurrently. A victim of sexual assault or other act of sexual violence, domestic violence, dating violence, or stalking also has the right not to pursue any complaint to either the College or to a law enforcement agency.

For more information regarding the option to pursue a criminal complaint, contact:

Monmouth Police Department: Joseph Switzer, Chief of Police, 500 S. Main St., Monmouth, IL 61462, 309-734-8383 or 911.

Warren County State's Attorney: Thomas R. Siegel, Warren County State's Attorney 100 W. Broadway Ave., Monmouth, IL 62462, 309-734-8476 tsiegel@wcsao.com.

Western Illinois Regional Council: Community Action Agency (WIRC-CAA) Victim Services, 223 S. Randolph, Macomb, IL 61455, 309-837-5555, 24-hour Crisis Hotline for support services and legal resources. <http://wirpc.org/victim-services/>.

Prairie State Legal Services, Inc.: Galesburg Office, 311 E. Main St., Galesburg, IL, 61401, 309-343-2141 or Toll free: 800-331-0617, <http://www.pslegal.org>.

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. Monmouth College can assist parties who wish to do so. Reporting parties who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Equity Coordinator so that Monmouth College can work with the individual and the subject of the restraining order to manage compliance with the order on campus.

Anonymous complaints: the College accepts anonymous complaints, although the College's ability to investigate, respond, and provide remedies may be substantially more limited in such circumstances.

Time for filing complaint: There is no time limitation on providing notice/complaints to the Equity Coordinator. However, if significant time has passed, the College's ability to investigate, respond, and provide remedies may be substantially more limited. The College's response in these circumstances will be at the discretion of the Equity Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Monmouth College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

VI. Mandated Reporting and Confidential Advisor

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, the confidential advisor, Rev. John Huxtable, may maintain confidentiality and is not required to report actual or suspected discrimination or harassment. He may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as, "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Equity Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Monmouth College.

A. Mandated Reporters

All Monmouth College employees (faculty, staff, administrators, and student employees), except for Confidential Resources, must promptly report actual or suspected discrimination, harassment, retaliation, or other misconduct under this Policy to the Equity Coordinator and share all known details relating to the report.

Failure of a Mandated reporter to report an incident of discrimination, harassment, retaliation, or other misconduct under this Policy of which they become aware is a violation of Monmouth College policy and can be subject to disciplinary action for failure to comply.

A mandated reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

Minors: All College employees are mandated reporters under the Illinois Abused and Neglected Children's Reporting Act. Mandated reporters are required to immediately report to the Illinois Department of Children and Family Services (DCFS) suspected child abuse and/or neglect when they have "reasonable cause to believe" that a child known to them in their professional or official capacity may be an abused or neglected child. This is done by calling the DCFS Hotline at 1-800-252-2873 or 1-800-25ABUSE. There is no option for confidentiality in the case of suspected child abuse, child sexual abuse and/or child neglect. In other words, all mandated reporters with reasonable cause to believe that a child known to them in their professional capacities may be abused, sexually abused or neglected are required to contact DCFS. Mandated reporters must also notify the Equity Coordinator that a DCFS report has been made. The obligation to make reports regarding minors is described in more detail at:
<https://www.monmouthcollege.edu/offices/student-affairs/minors-on-campus/>.

B. Confidential Advisors and Confidential Resources

If a Complainant or Respondent would like the details of an incident to be kept confidential, the Complainant or Respondent may speak with:

On-campus Confidential Advisor and Confidential Resources:

Rev. Dr. John Huxtable

College Chaplain

309-457-2380

Weeks House, Room 104

jhuxtable@monmouthcollege.edu

Rev. Huxtable can provide emotional and medical support in a safe and confidential space as an appointed confidential advisor. Rev. Huxtable is not required to disclose identifying information regarding reports he receives, as he has a professional obligation to maintain the confidentiality of campus community members. He can also help parties think through their options for filing a formal report. In addition, Rev. Huxtable is available to meet with students and provide support and information about the College's Policy in a confidential setting. In addition, students have free access to virtual counselors through Monmouth College's partnership with [TimelyCare](#).

Rev. Huxtable and/or the Employee Assistance Program (some restrictions apply, contact Lynne Dulin, Associate Director of Human Resources, 309-457-2401, ldulin@monmouthcollege.edu for more details) are available to help free of charge and may be consulted on an emergency basis during normal business hours. For crisis situations that occur outside of regular business hours contact Campus Safety at 309-457-3456.

Off-campus Confidential Advisors and Resources:

Western Illinois Regional Council-Community Action Agency (WIRC-CAA)

Victim Services Program for assistance with domestic violence/sexual assault

Serving Warren County

223 Randolph

Macomb, IL 61455

309-837-5555 (hotline/emergency assistance)

309-837-2148 (office)

<http://www.wirpc.org>

Email: wirc@wirpc.org

Rainn National Sexual Assault Hotline

<https://hotline.rainn.org/online/>

Quad Cities Rape/Sexual Assault Counseling Hotline

Serving Mercer, Henry, Rock Island Counties

309-797-1777

1521 47th Avenue

Moline, IL 61265

<http://www.famres.org>

The Center for Prevention of Abuse

720 Joan Court

Peoria, IL 61614

800-559-SAFE (7233-hotline)

309-691-4111 (collect)

309-691-0551 (office)

Sexual Assault Services for Warren County

309-836-2148

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order. Monmouth College employees who are confidential are required to provide anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or parishioner.

Local medical assistance can be obtained at:

- **OSF Holy Family Medical Center/Hospital** — 1000 W. Harlem Ave., Monmouth, IL 61462 309-734-3141

- **OSF Holy Family Medical Clinic** — 1000 W. Harlem Ave., Monmouth, IL 61462 309-734-1414
- **OSF St. Mary's Hospital** — 3333 N. Seminary St., Galesburg, IL 61401 309-344-3161
- **McDonough District Hospital Monmouth Clinic** — 2 Americinn Way, Suite B & C, Monmouth, IL 61462 309-715-7362

c. Officials with Authority (OWA) (for "Title IX Sexual Harassment" allegations only)

For "Title IX Sexual Harassment" allegations, the College had designated the following officials as Officials with Authority (OWA):

- Members of the Equity Team
- President
- College Vice Presidents
- College Associate Vice Presidents
- Deans
- Campus Safety Personnel
- Athletic Director

OWA are required to report to the Equity Coordinator any witnessed "Title IX Sexual Harassment", any incidents reported to him/her of "Title IX Sexual Harassment" or "Title IX Sexual Harassment" allegations from a complainant or a third party; or any written or verbal complaint about "Title IX Sexual Harassment" or "Title IX Sexual Harassment" allegations Notice to any OWA conveys actual knowledge to the institution.

VII. Institutional Obligation to Respond

When the College receives notice or a complaint of conduct prohibited under this Policy, it will provide a prompt and equitable resolution using the applicable grievance procedures: Process A (for Non-"Title IX Sexual Harassment" allegations) and Process B under this Policy.

For purposes of this Policy,

- *Notice* means that an employee, student, or third party informs the Equity Coordinator or (for "Title IX Sexual Harassment" only) Official with Authority of the alleged occurrence of discrimination, harassing, retaliatory, or other prohibited conduct under this Policy.
- *Complaint or formal complaint* means a document filed and/or signed by a Complainant of the Equity Coordinator alleging violation of this Policy and requesting that the College investigate the allegation.

VIII. Supportive Measures

The Equity Coordinator will promptly offer and implement appropriate and reasonable supportive measures to the parties upon receiving notice or a complaint of alleged discrimination, harassment (including sexual misconduct), retaliation and/or other misconduct prohibited by this Policy. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a complaint with the College either at that time or in the future, if they have not done so already. The Equity Coordinator will work with the Complainant to ensure that their interests are considered with respect to the supportive measures that are planned and implemented.

Supportive measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College's education programs and activities, including measures designed to protect the safety of all parties implicated by a report or the College's education environment, or to deter misconduct under this Policy.

Supportive measures may include:

- Referral to counseling, medical, and/or other healthcare services
- Referral to Employee Assistance Program
- Providing extensions of academic or other deadlines, and/or other course/program-related adjustments
- Making modifications to work or class schedules, campus escort services, changes in work or housing locations
- Leaves of absence
- Safety planning, including increased security and monitoring of certain areas of campus
- Providing transportation accommodations
- Providing campus safety escorts
- Other changes to academic, living, dining, transportation, and working situations
- Trespass orders
- Timely warnings
- Mutual restrictions on contact between the parties
- Honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)

IX. Emergency Removal

Monmouth College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Equity Coordinator in conjunction with the Threat Assessment Team (TAT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with the Equity Coordinator within 24 hours to discuss the action/removal being imposed, or as soon thereafter as reasonably possible, and to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Equity Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to

Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Equity Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Equity Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Monmouth College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Equity Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Equity Coordinator alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

X. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Equity Coordinator, who will evaluate that request considering the duty to ensure the safety of the campus and to comply with state or federal law.

The Equity Coordinator has ultimate discretion over whether Monmouth College proceeds when the Complainant does not wish to do so, and the Equity Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Equity Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Monmouth College to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged misconduct irrespective of a Complainant's wishes.

The Equity Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Monmouth College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Equity Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When Monmouth College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

Note that Monmouth College's ability to remedy and respond to notice may be limited if the Complainant does not want Monmouth College to proceed with an investigation and/or grievance process.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Monmouth College to honor that request, Monmouth College will offer supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date.

XI. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with, or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official investigation can be subject to discipline under Monmouth College Policy.

XII. Privacy

Every effort is made by Monmouth College to preserve the privacy of reports of prohibited behavior under this Policy and the resolution process.⁵ Monmouth College will not share the identity of any individual who has made a report or complaint of discrimination, harassment, retaliation or other misconduct under this Policy; any Complainant, any individual who has been

⁵ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Monmouth College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in Monmouth College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Monmouth College's FERPA policy. The privacy of employee records will be protected in accordance with Personnel policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Monmouth College has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 14. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities.

reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. Monmouth College reserves the right to designate which Monmouth College officials have a legitimate educational interest in being informed about incidents that fall within this Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the report or complaint, including but not limited to: Personnel Office, Division of Student Affairs, Campus Safety, and the CARE Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

All persons involved in the resolution process are expected to maintain the privacy of the process. The parties have discretion to share their own knowledge and evidence with others if they so choose. Monmouth College encourages parties to discuss this with their Advisors before doing so.

Monmouth College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

XIII. Amnesty for Parties and Witnesses

The Monmouth College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Monmouth College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

It is in the best interests of the Monmouth College community that Complainants choose to report misconduct to Monmouth College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Monmouth College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Student Bystanders: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to Campus Safety). Monmouth College maintains a policy of amnesty from minor policy violations for students who offer help to others in need.

XIV. Federal Statistical Reporting and Timely Warning Obligations

Mandated Reporters are also deemed Campus Security Authorities – meaning they have a duty to report all *crimes* they are made aware of to Campus Safety for federal statistical reporting purposes, as required by the Clery Act.

All personally identifiable information is kept private, but statistical information must be passed along to Campus Safety regarding the type of incident, the date and its general location for publication in the Annual Security Report and daily campus crime log. Issues of sexual assault and/or Violence Against Women Act (VAWA) based crimes that are reported to the Equity Coordinator will be shared with Campus Safety by that office.

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Monmouth College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Monmouth College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Monmouth College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Monmouth College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

XV. Training and Impartiality

All Monmouth College employees involved in the initial assessment, investigation, resolution, or adjudication of allegations under this Policy are vetted and trained annually, in accordance with Federal and State law, to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. These employees are considered members of the Equity Team and include: Title IX Coordinators, investigators, decision-makers, informal resolution facilitators, appeal decision-makers, or any person designated by Monmouth College to participate in the procedures under this Policy.

Members of the Equity Team receive annual training organized by the Equity Coordinator including a review of Monmouth College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability. This training includes, but is not limited to:

- The scope of Monmouth College's Policy on Discrimination and Harassment and accompanying Grievance Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements

- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Monmouth College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used
- Issues of relevance of questions and evidence
- How to prepare an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, employees involved in the Informal Resolution Process, and Advisors.

To raise any concern involving bias or a potential conflict of interest by the Equity Coordinator, or to report discrimination or other misconduct by the Equity Coordinator, contact the Monmouth College President Clarence R. Wyatt, Room 107, Wallace Hall, cwyatt@monmouthcollege.edu, 309-457-2127.

To raise any concern involving bias or a potential conflict of interest by any other College official involved in the procedures under this Policy, or to report discrimination or other misconduct by such a College official, contact Michelle Merritt, Equity Coordinator, Poling Hall, room 204, titleix@monmouthcollege.edu, 309-457-2115.

XVI. Disability Accommodations in the Resolution Process

Monmouth College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to this Policy and its accompanying procedures.

Anyone needing such accommodations or support should contact the following individuals:

Students: Heather Fisher, Student Access and Support Specialist, ACE, Hewes Library. 309-457-2257, hfisher@monmouthcollege.edu.

Employees: Stephanie Kinkaid, Director of Human Resources, Room 112, Poling Hall, 309-457-2125, skinkaid@monmouthcollege.edu.

The individuals listed above will review the request and, in consultation with the person requesting the accommodation and the Equity Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

XVII. Revision

These policies will be reviewed and updated periodically by Monmouth College. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Equity Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Equity Coordinator may also vary procedures materially with notice (on the Monmouth College website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alternations not reflected in this policy and procedure.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This Policy does not establish contractual rights, in whole or in part, between the College and any individuals, including students and employees.

Grievance Procedures

The Equity (Title IX/VI) Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- the identity of the involved parties (if known),
- the precise misconduct being alleged,
- the date and location of the alleged incident(s) (if known),
- the specific policies implicated,
- a description of the applicable procedures,
- a statement of the potential sanctions/responsive actions that could result,
- a statement that Monmouth College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- a statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- a statement about the Monmouth College’s policy on retaliation,
- information about the privacy of the process,
- information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- a statement informing the parties that Monmouth College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the

- resolution process,
- detail on how the party may request disability accommodations during the interview process,
- a link to Monmouth College's VAWA Brochure,
- the name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX/VI Coordinator any conflict of interest that the Investigator(s) may have, and
- an instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(s) of the parties as indicated in official Monmouth College records, or emailed to the parties' Monmouth College issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.