



Policy on Discriminatory Harassment

Table of Contents

I.	Applicable Law	2
II.	Policy Statement	2
III.	Rationale for Policy	2
IV.	Scope	2
V.	Jurisdiction of Monmouth College	3
VI.	Time Limits on Reporting	4
VII.	External Inquiries	4
VIII.	Policy on Discriminatory Harassment	4
	○ Discrimination	5
	○ Harassment	5
	A. Non-Title IX Sexual Harassment Definition (“Process A” Resolution is Applied)	5
	• Other Title IX Civil Rights Offenses	6
	B. Title IX Sexual Harassment Definition (“Process B” Resolution is Applied)	7
	• Other Definitions	10
IX.	Retaliation	11
X.	Online Harassment and Misconduct	11
XI.	False Allegations and Evidence	12
	○ Title IX Policy Examples	12
XII.	Supportive Measures	14
XIII.	Title IX/VI Coordinator & Title IX/VI Team	14
XIV.	Officials with Authority (OWA)	16
XV.	Independence and Conflict of Interest	16
XVI.	Mandated Reporters	17
	○ Mandated Reporting	17
	A. Confidential Advisors and Resources	17
	B. Mandated Reporters and Formal Notice/Complaints	19
	○ Mandatory Reporting of Child Abuse, Child Sexual Abuse and Child Neglect	19
XVII.	Federal Statistical Reporting Obligations	20
XVIII.	Federal Timely Warning Obligations	20
XIX.	When a Complainant Does Not Wish to Proceed	21
XX.	Amnesty for Complainants and Witnesses	22
XXI.	Notice/Complaints of Discrimination, Harassment, and/or Retaliation	22
XXII.	Emergency Removal	25
XXIII.	Promptness	26
XXIV.	Privacy	26

I. Applicable Law

Monmouth College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in institutions of higher education.

II. Policy Statement

Monmouth College (the “College”) strives to provide an educational and working environment that is free from discrimination and harassment for faculty, staff, and students.

Monmouth College policy prohibits discrimination and harassment on the basis of race, religion, color, sex, national origin, ancestry, disability, age, military service, marital status, sexual orientation, pregnancy or other factors as prohibited by law.

This Policy covers non-discrimination in both employment and access to educational opportunities. Therefore, any member of the Monmouth College community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the Monmouth College community, guest, or visitor on the basis of that person’s actual or perceived membership in the protected classes listed above is in violation of the Monmouth College Policy on nondiscrimination.

When brought to the attention of Monmouth College, any such discrimination will be promptly and fairly addressed and remedied by Monmouth College according to the appropriate grievance process.

III. Rationale for Policy

Monmouth College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. 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 internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Monmouth College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

IV. Scope

The core purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Monmouth College’s “Process A” or “Process B,” as determined by the Title IX/VI Coordinator, and as detailed below.

When the Respondent is a member of the Monmouth College community, 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. This community includes, but is not limited to, students,¹ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

V. Jurisdiction of Monmouth College

This policy applies to the education program and activities of Monmouth College to conduct that takes place on the campus or on property owned or controlled by Monmouth College, at Monmouth College sponsored events, or in buildings owned or controlled by Monmouth College recognized student organizations. The Respondent must be a member of Monmouth College's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Monmouth College's educational program. Monmouth College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX/VI Coordinator determines that the conduct affects a substantial Monmouth College interest.

Regardless of where the conduct occurred, Monmouth College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Monmouth College interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests or mission of Monmouth College.

If the Respondent is unknown or is not a member of the Monmouth College community, the Title IX/VI Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Monmouth College community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX/VI Coordinator.

In addition, Monmouth College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Monmouth College property and/or events.

All vendors serving Monmouth College through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

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.

When the Respondent is enrolled in or employed by another institution, the Title IX/VI Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX/VI Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Monmouth. College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

VI. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX/VI Coordinator. However, if the Respondent is no longer subject to Monmouth College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX/VI Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, 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.

VII. 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
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission \(EEOC\)](#) ²

VIII. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Monmouth College's Harassment Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

² EEOC has jurisdiction over Title IX employment claims.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Monmouth College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Monmouth College Policy, though supportive measures will be offered to those impacted.

Discrimination

Discrimination include 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).

Harassment

A. Non-Title IX Sexual Harassment Definition (“Process A” Resolution is Applied)

Harassment under this section of the Policy includes all forms of sexual, racial and other harassment, except for Title IX sexual harassment as defined below in section VIII B. The term, Title IX Sexual Harassment, applies only to sexual harassment as defined below in section VIII B. that occurs in an education program or activity and against a person in the United States.

Harassment, as an umbrella category, includes the offenses of sexual harassment (except for sexual harassment as defined in section VIII B., racial harassment, or any other form of harassment 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), and is defined as conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo

- a. an employee of Monmouth College,
- b. conditions the provision of an aid, benefit, or service of Monmouth College,
- c. on an individual’s participation in unwelcome sexual conduct; and/or

2. Hostile Environment

- a. unwelcome conduct,
- b. taken against a person on the basis of a protected category, or
- c. determined by a reasonable person,
- d. to be so severe, or
- e. pervasive, or
- f. objectively offensive,
- g. that it effectively denies a person equal access to Monmouth College’s education program or activity.

3. Sexual Assault, domestic violence, dating violence or stalking as defined in section VIII. B. of this Policy.

Harassment may be in the form of verbal, written, graphic, or physical conduct.

Monmouth College does not tolerate harassment of any employee, student, visitor, or guest. Monmouth College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.” When harassment rises to the level of creating a hostile environment, Monmouth College may also impose sanctions on the Respondent through application of the appropriate grievance process.

Monmouth College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under Monmouth College Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Personnel, and students should contact the Title IX/VI Coordinator.

Other Non-Title IX Civil Rights Offenses

In addition to the forms of sexual harassment described above, which do not fall within the coverage of Title IX, 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. Examples of Sexual Exploitation include, but are not limited to:**
 - a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - b. Invasion of sexual privacy.
 - c. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - d. Prostituting another person
 - e. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - f. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - h. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - i. Knowingly soliciting a minor for sexual activity
 - j. Engaging in sex trafficking
 - k. Creation, possession, or dissemination of child pornography

- 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. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
4. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
5. 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 as defined further in the Hazing Policy;
6. 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
 - d. That is not speech or conduct otherwise protected by the First Amendment.

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.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

B. Title IX Sexual Harassment Definition (“Process B” Resolution is Applied)

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 106.30. Harassment that does not meet the definition set forth in this section may be addressed under section VIII A. Harassment – Non-Title IX Sexual Harassment Definition.

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

1. Quid Pro Quo Sexual Harassment

- b. an employee of Monmouth College,
- c. conditions the provision of an aid, benefit, or service of Monmouth College,
- d. on an individual’s participation in unwelcome sexual conduct; and/or

2. Sexual Harassment

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to Monmouth College’s education program or activity.

3. **Hostile Environment Sexual Harassment** 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.

4. Sexual Assault, defined as:

- a. Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent.
- b. Rape:
 - i. Penetration,
 - ii. forcibly
 - iii. no matter how slight,
 - iv. of the vagina or anus with any body part or object, or
 - v. oral penetration by a sex organ of another person,
 - vi. without the consent of the Complainant.
- c. Sodomy:
 - i. Oral or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age³ or because of temporary or permanent mental or physical incapacity.
- d. Sexual Assault with an Object:
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,
 - iii. the genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-consensually),
 - vi. 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.
- e. Fondling:
 - i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. 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.
- f. Other Sex Offenses:
 - i. Incest:
 - 1. Non-forcible sexual intercourse,
 - 2. between persons who are related to each other,
 - 3. within the degrees wherein marriage is prohibited by Illinois law.
 - ii. Statutory Rape:
 - 1. Non-forcible sexual intercourse,
 - 2. with a person who is under the statutory age of consent of 17.

5. Dating Violence, defined as:

- a. Violence,
- b. on the basis of sex,

³ Per Illinois state law.

- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. 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—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

6. Domestic Violence, defined as:

- a. Violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois or
- g. 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.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

7. Stalking, defined as:

- a. a. engaging in a course of conduct,
- b. b. on the basis of sex,
- c. c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.
 - For the purposes of this definition—
 - (i) 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. (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Monmouth College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

Other Definitions

As used in the offenses above, the following definitions and understandings apply:

- A. Complainant:** An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- B. Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- C. Force:** Force is 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 (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

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.

- D. Coercion:** Coercion is 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.
- E. Consent is:** 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.

- F. 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.

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

IX. Retaliation

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 Title IX/VI 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.

It is prohibited for Monmouth College or any member of the Monmouth College community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating 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 First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of 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.

X. Online Harassment and Misconduct

The policies of Monmouth College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited above, when those behaviors occur in or have an effect on the Monmouth College’s education program and activities or use Monmouth College 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 speech protected by the First Amendment. 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.

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 conducting an investigation can be subject to discipline under Monmouth College Policy.

Title IX Policy Examples

Examples of Possible Sexual Harassment

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris

or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking:

- Students A and B were friends with benefits. Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX/VI Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.
- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse

with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.

- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation

XII. Supportive Measures

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 without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the College's education environment, or to deter Title IX Sexual Harassment.

Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

XIII. Title IX/VI Coordinator & Title IX/VI Team

The Title IX/VI Coordinator oversees implementation of the Monmouth College's Affirmative Action and Equal Opportunity plan and Monmouth College's policy on equal opportunity, harassment, and nondiscrimination. The Title IX/VI Coordinator has the primary responsibility for coordinating Monmouth College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

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

[Michelle Merritt](#)

Title IX/VI Coordinator
Associate Vice President of Student Life and Co-Dean of Students
Monmouth College
Office of Student Affairs, Poling Hall Room 126, Suite 123
700 East Broadway
Monmouth, IL 61462
309-457-2114
titleix@monmouthcollege.edu

[Marnie Dugan](#)

Director of the Wackerle Center for Careers, Leadership and Fellowships
Deputy Title IX/VI Coordinator
Room 139, Hewes Library in the ACE (Across from Einstein's)
309-457-2116
titleix@monmouthcollege.edu

Title IX/VI Team Members:

[Karen Ogorzalek](#)

[Heather Fisher](#)

[Regina Johnson](#)

[John Salazar](#)

[Nick Ehlen](#)

[Mark Grover](#)

[Mark Willhardt](#)

[Daniel Ott](#)

[Sean Schumm](#)

[Trudi Peterson](#)

[Tom Sargent](#)

[Lori Walters-Kramer](#)

[Anne Mamary](#)

[Lucas Henderson](#)

[Mike McNall](#)

[Lynne Dulin](#)

XIV. Officials with Authority (OWA)

Monmouth College has determined that the following administrators are Officials with Authority (OWA) to address and correct harassment, discrimination, and/or retaliation. Notice to any Official with Authority conveys actual knowledge to the institution.

Officials with Authority are required to report any witnessed sexual harassment, any incidents reported to him/her of sexual harassment or sexual harassment allegations from a complainant or a third party; or any written or verbal complaint about sexual harassment or sexual harassment allegations to the Title IX/VI Coordinator.

In addition to the Title IX/VI Team members listed above, Monmouth College has designated the following employees as Officials with Authority to implement corrective measures for sexual harassment/discrimination and/or retaliation.

List of Officials with Authority:

- President
- College Vice Presidents
- College Associate Vice Presidents
- General Counsel
- Deans
- Campus Safety Personnel
- Athletic Director
- Chief Personnel Officer

XV. Independence and Conflict of Interest

The Title IX/VI Coordinator manages the Title IX/VI Team Members and acts with independence and authority free from bias and conflicts of interest. The Title IX/VI Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX/VI Team Members are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Student as Requesting Party: To raise any concern involving bias or conflict of interest by the Title IX/VI Coordinator contact the Monmouth College President Clarence R. Wyatt, Room 107, Wallace Hall, cwyatt@monmouthcollege.edu, 309-457-2127.

Employee as Requesting Party: To raise any concern involving bias or conflict of interest by the Title IX/VI Coordinator contact the Mike McNall, Director of Personnel, Room 112, Poling Hall, mike@monmouthcollege.edu, 309-457-2122.

Concerns of bias or a potential conflict of interest by any other Title IX/VI Team Member should be raised with Michelle Merritt, Title IX/VI Coordinator Room 126, Poling Hall, titleix@monmouthcollege.edu, 309-457-2114.

Reports of misconduct or discrimination committed by the Title IX/VI Coordinator should be reported to the Monmouth College President Clarence R. Wyatt, Room 107, Wallace Hall, cwyatt@monmouthcollege.edu, 309-457-2127.

Reports of misconduct or discrimination committed by any other Title IX/VI Team Member should be reported to Michelle Merritt, Title IX/VI Coordinator Room 126, Poling Hall, titleix@monmouthcollege.edu, 309-457-2114.

XVI. Mandated Reporters

Monmouth College has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing suspected sexual harassment/discrimination, and/or retaliation. Mandated Reports will contact the Title IX/VI Coordinator who will take action on the information. Confidentiality and mandated reporting are addressed more specifically below.

Mandated Reporting

All Monmouth College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, with the exception of Confidential Advisors.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They 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.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX/VI Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Monmouth College for a Complainant or third-party (including parents/guardians when appropriate):

A. Confidential Advisors and Resources

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

Cindy Beadles

Director of Counseling Services

309-457-2114

2nd Floor Poling Hall

counselingcenter@monmouthcollege.edu

Thomas Caudill

Counselor

309-457-2114

2nd Floor Poling Hall

counselingcenter@monmouthcollege.edu

Off-campus (non-employees):

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.

On campus counselors and/or the Employee Assistance Program (some restrictions apply, contact Lynne Dulin, Benefits Manager, 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.

Monmouth College employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or parishioner.

B. Mandated Reporters and Formal Notice/Complaints

All employees of Monmouth College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX/VI Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX/VI Coordinator.

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 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.

Supportive measures may be offered as the result of such disclosures without formal Monmouth College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Monmouth College policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Monmouth College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that 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.

Mandatory Reporting of Child Abuse, Child Sexual Abuse and Child Neglect

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.

- A “child” means any person under the age of 18 years, unless legally emancipated.
- “Abused child” means a child whose parent or immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child or a paramour of the child's parent:

- Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
- Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
- Commits or allows to be committed any sex offense against such child;
- Commits or allows to be committed an act or acts of torture upon such child;
- Inflicts excessive corporal punishment;
- Commits or allows to be committed the offense of female genital mutilation;
- Causes to be sold, transferred, distributed or given to such child under 18 years of age, a controlled substance, except for controlled substances that are prescribed and dispensed to such child in a manner that substantially complies with the prescription; or
- Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons.

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 Title IX/VI Coordinator that a DCFS report has been made.

XVII. Federal Statistical Reporting 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 VAWA⁴ based crimes that are reported to the Title IX/VI Coordinator will be shared with Campus Safety by that office.

XVIII. Federal Timely Warning Obligations

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

⁴ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

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.

XIX. 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 Title IX/VI Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

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

The Title IX/VI 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. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX/VI 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 Title IX/VI 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. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

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. The goal is to provide the Complainant with as much control over the process as possible, while balancing Monmouth College's obligation to protect its community.

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 informal resolution options (see below), 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. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Monmouth College and to have the incidents investigated and properly resolved through these procedures.

XX. Amnesty for Complainants 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. Respondents may hesitate to be forthcoming during the process for the same reasons.

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. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: 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 for students who offer help to others in need. While policy violations cannot be overlooked, Monmouth College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

XXI. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. **File a complaint with, or give verbal notice to, the [Title IX/VI Coordinator](#), the [Deputy Title IX Coordinator](#) or Officials with Authority.** 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 Title IX/VI Coordinator or any other official listed.
2. **[Report online](#)** Anonymous reports are accepted but can give rise to a need to investigate. Monmouth College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Monmouth College respects Complainant requests to dismiss complaints unless there is a compelling threat to

health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Monmouth College to discuss and/or provide supportive measures.

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 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>.

(For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint process, contact the appropriate law enforcement agency.)

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 Title IX/VI 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.

If notice is submitted in a form that does not meet this standard, the Title IX/VI Coordinator will contact the Complainant to ensure that it is filed correctly.

5. Confidential Reporting

On-Campus Confidential Advisors and Confidential Resources

Monmouth College Counseling Center Staff can provide emotional and medical support in a safe and confidential space through appointed confidential advisors. These

individuals are not required to disclose identifying information regarding reports they receive, as they have professional obligations to maintain the confidentiality of their clients.

They can also help parties think through their options for filing a formal report. In addition, a Counselor is available to meet with students and provide support and information about the College's Policy and Procedures in a confidential setting.

Monmouth College Confidential Advisors contact information:

Cindy Beadles

Director of Counseling Services

309-457-2114

2nd Floor Poling Hall

counselingcenter@monmouthcollege.edu

Thomas Caudill

Counselor

309-457-2114

2nd Floor Poling Hall

counselingcenter@monmouthcollege.edu

Additional Off-Campus Confidential 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 (24/7 hotline/emergency assistance)

309-837-2148 (office)

<http://www.wirpc.org>

Email: **wirc@wirpc.org**

Chat online anonymously

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

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
- **Monmouth Cottage Clinic** — #2 Americ Inn Way, Suite B, Monmouth, IL 61462 309-344-0100
- **OSF St. Mary's Hospital** — 3333 N. Seminary St., Galesburg, IL 61401 309-344-3161
- **Cottage Hospital** — 695 N. Kellogg St., Galesburg, IL 61401 309-343-8131

XXII. 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 Title IX/VI 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 Title IX/VI Coordinator to such action/removal being imposed, or as soon thereafter as reasonably possible, 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 rather 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 Title IX/VI 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 Title IX/VI 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 Title IX/VI 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 Title IX/VI 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 Title IX/VI Coordinator alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

XXIII. Promptness

All allegations are acted upon promptly by Monmouth College once it has received notice or a formal complaint. Complaints can take 60-120 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Monmouth College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Monmouth College procedures will be delayed, Monmouth College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

XXIV. Privacy

Every effort is made by Monmouth College to preserve the privacy of reports.⁵ Monmouth College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been 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.

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 26. 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. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

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 the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the 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.

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.