

potential policy violations. Once individuals receive a report, it is considered official notice to the University. Officials with authority at Millikin University include:

- Title IX Coordinator and Deputy Coordinators
- Any Human Resources professional
- Deans
- Directors
- Department Chairs
- Supervisors
- Provost and other Vice Presidents
- Athletic Director
- Head Coaches
- Director of Public Safety/Chief of Police
- Assistant Director of Public Safety/Deputy Chief of Police
- Board of Trustees Chairperson
- University Special Counsel

Make a confidential, electronic report via the email address TitleIX@millikin.edu.

Duty To Report

It is important to understand the responsibilities of University employees. All Millikin employees (faculty, staff, and administrators) are designated as Responsible Employees, meaning they are considered mandated reporters with a duty to promptly report any

disciplinary action against a student reporter or witness to prohibited conduct for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of policy, provided the misconduct did not endanger the health or safety of others. The University does reserve the right to initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Requests for Anonymity

Once a report has been shared with the Title IX Coordinator or Deputy Coordinator, a Complainant may request that their identity not be shared with the Respondent, that no investigation occur, or that no disciplinary action be pursued. The University will carefully balance this request along with its responsibility to take steps to provide a safe and non-discriminatory environment for all members of the campus community. Moreover, the ability of the University to investigate the complaint may be limited when the complainant refuses to participate in the investigation or wishes to remain anonymous. As necessary, the Title IX Coordinator reserves the right to initiate an investigation.

DEFINITIONS

Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.

Non-Consensual Sexual Intercourse is any act of vaginal or anal penetration, however slight, by a person's penis, finger, other body part or an object, or, regardless of whether penetration occurs, any oral-genital contact.

Sexual Exploitation occurs when a person violates the sexual privacy of another or takes advantage of another person's sexuality without consent for the purpose of benefitting anyone other than the individual being exploited. Sexual exploitation also includes behavior that does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostitution;
- Invasion of sexual privacy;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Exceeding the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Knowingly exposing someone to or transmitting an Sexually transmitted infection, Sexually transmitted disease, or HIV to another person;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

GENDER-RELATED VIOLENCE

In addition to the offenses of sexual misconduct discussed above, Title IX also governs gender-related violence. Gender-related violence is defined by any action (sexual or not) that is motivated by the gender-identity of the victim. Gender-related violence includes domestic violence, dating violence, and stalking.

Domestic Violence – Any act of abuse or violence committed by a family or household member. "Abuse" could be physical abuse, harassment or intimidation of a dependent.

Dating Violence – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim to maintain control over them. Violence can be between same sex or different sex partners and does not require sexual intimacy.

Stalking – A course of conduct directed at a specific person including repeated harassment, intimidation or threats that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress. This could be done by telephone, mail, electronic communication, social media, or other action, device, or method.

ADDITIONAL APPLICABLE DEFINITIONS:

Consent - is defined as clear, knowing, and voluntary words or actions that give permission for specific sexual activity – an unforced “YES” to the sexual act in question.

Consent is active, not passive.

Silence, in and of itself, cannot be interpreted as consent.

Consent can be given in words or actions, as long as those words or actions create a mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.

In order to give consent, one must be of legal age.

Sexual activity with someone you know to be, or should know to be, incapacitated constitutes a violation of this policy.

Incapacitation – defined as a state in which an individual is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, 2 Tf54800034 Omnccccrelatge

Education programs or activities - under the regulations, includes locations, events or circumstances (operations) over which the University exercised substantial control over both the Respondent AND the context in which the sexual harassment occurred. Title IX applies to all of the University's education programs and activities whether such program or activity occurred on-campus or off-campus, as well as any building owned or controlled by a student organization that is officially recognized by the University (such as a fraternity or sorority house).

Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender.

Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation or the use of physical force. Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, 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. (NOTE: The presence of force is not demonstrated by the absence of resistance.)

Other misconduct offenses that may fall under Title IX when sex or gender-based, include:

Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to admission, initiation, pledging, joining, or any other group-affiliation activity.

Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that is not speech or conduct otherwise protected by the 1st Amendment.

Cyber Bullying is bullying through email, instant messaging, chat room exchanges, web site posts, or other electronic means. Cyber bullying, like traditional bullying, involves an imbalance of power, aggression, and a negative action that is often repeated.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship may also be viewed in different ways by each party, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset of romantic or sexual involvement, this past consent may not remove grounds for a later charge of misconduct. For personal protection of members of this community, relationships in which a

power differential is inherent (faculty-student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.

Therefore, consensual sexual and amorous relationships will be considered unethical and are prohibited between a student and any member of the faculty or administrative staff who teaches, supervises, evaluates, or otherwise is in a position to exercise power or authority over the student. Efforts by members of the faculty or administrative staff to initiate these relationships are also prohibited.

Romantic or sexual relationships between a supervisor and a subordinate are also considered inappropriate. In the event that such relationships do occur, employees should self-report such relationships to a supervisor or Human Resources. Millikin University has the authority to transfer any involved employee to eliminate the supervisory authority of one over the other. Such action by the University is a proactive and preventative measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

INTERIM MEASURES

Upon receipt of a report of Sexual Misconduct, the University will provide reasonable and appropriate interim measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader University community; maintain the integrity of the investigation and/or resolution process; and defer retaliation. These actions may be Supportive or Protective.

Interim SUPPORTIVE Measures

Supportive measures are non-punitive, non-disciplinary individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant before or after filing of a formal complaint or where no formal complainant has been filed. Support measures are also available for the Respondent. Such measures are designed to restore and preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to:

- Facilitating access to counseling and health services;
- Referral to the Employee Assistance Program;
- Providing campus escorts;
- Implementing contact restrictions between the parties;
- Relocation of office and/or parking;
- Voluntary leave of absence;
- Altering work arrangements;
- Changes in housing locations and dining schedules;
- Modifications of work or class schedules;

Interim PROTECTIVE Measures

Interim protective measures are only available when the University initiates an investigation as part of a disciplinary resolution. The University may make a preliminary, non-binding assessment to remove a respondent from campus on an emergency basis, provided the (i) the University undertakes an individualized safety plan and risk analysis; (ii) determines that an immediate threat to the physical health or safety of any student or individual arising from the allegations of sexual harassment justifies removal; and (iii) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The University may also place an employee respondent on administrative leave during the pendency of the grievance process. Interim Protective measures may include:

- Issuing a "no-contact" order
- Change in class schedule
- Change in work schedule or job assignment
- Exclusion from specified activities or areas of campus
- Any other protective measures that can be used to achieve the goals of this policy.

KNOW YOUR RIGHTS

Complainant and Respondent shall both be provided with the following in connection with the investigation and resolution of suspected or alleged violations of this Policy:

- The opportunity to speak on their own behalf;
- The opportunity to identify or present witnesses to who can provide information about the alleged conduct;
- The opportunity to submit or identify other evidence on their behalf;
- The opportunity to suggest questions to be posed by the individual or individuals resolving the complaint and respond to the party;
- The opportunity to review any information offered by the other party in support of the other party's position, as well as the opportunity to review a written investigation report summarizing all relevant exculpatory and inculpatory evidence and respond to that report in writing;
- Have timely and equitable access to any other information that will be used during an informal or formal disciplinary proceedings;
- The right to be accompanied by an advisor or support person of their choice at the proceedings and any related meeting;
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law);
- Periodic status updates;
- The opportunity to appeal the outcome of the investigation.

OVERVIEW OF THE RESOLUTION PROCESS

The University is committed to providing a prompt, thorough, and fair resolution process for all parties involved in a disciplinary proceeding. The University will provide a prompt, thorough, and fair resolution process for all parties involved in a disciplinary proceeding.

Formal Resolution – includes formal procedures that involve an investigation, adjudication and if appropriate, the imposition of sanctions.

Intake/Initial Assessment.

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator and/or Deputy

Advisors or Support Persons.

information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The respondent is presumed to be “not responsible” for the alleged conduct until a determination is made. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

A “formal complaint” is defined as a document (paper, email or online submission) filed by a Complainant or signed by the Title IX Coordinator;
Alleging sexual harassment against a Respondent, and;
Requesting that the University investigate the allegation of Sexual Harassment.
At the time of the filing of a formal complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

Dismissal of a Formal Complaint.

A formal complaint of sexual harassment under Title IX must be dismissed if:

The conduct would not constitute sexual harassment as defined in the regulations, even if proven; or
Did not occur in the University’s education program or activity; or
Did not occur against a person in the United States

A formal complaint of sexual harassment under Title IX may be dismissed if:

The Complainant notifies the Title IX Coordinator and/or designee in writing that they would like to withdraw the formal complaint or allegations;
The Respondent is no longer enrolled or employed by the University; or
Specific circumstances prevent the University from gathering evidence sufficient to reach a determination.

Upon a required or optional dismissal, the University will promptly and simultaneously send written notice to both parties.

Upon dismissal, appeal rights will be offered to both parties.

Investigation.

Upon receipt of a report of sexual harassment or upon notice of an incident of sexual harassment, the University shall conduct a prompt, thorough, and impartial investigation of the incident consistent with the applicable grievance procedures. Such investigation shall

Information regarding the right to be accompanied during any meeting related to the matter by an advisor of their choice who participation will be limited to consulting privately with the Respondent;

Information regarding the investigation and resolution process;

Information regarding the need to preserve any relevant evidence or documentation in the case;

Information about the range of available on-campus and off-campus resources and services, including confidential resources and services;

Assistance in accessing these resources;

Information regarding the range of interim protective measures and remedies available.

Are encouraged to submit or identify any other relevant evidence;
There are no restrictions on the parties' ability to discuss the allegations or to gather

witness. Based on this information, as well as all information gathered during the investigation, the Investigator(s) will provide the Title IX Coordinator/Deputy Coordinator with a final investigation report, including a finding of responsibility or non-responsibility for each policy violation alleged and a rationale for each finding and shared simultaneously with the Complainant, Respondent and the appropriate University disciplinary authority in writing.

Standard of Proof.

The Standard of Proof to be employed by the Investigator shall be the preponderance of the evidence: that is, based upon the information obtained during the investigation, it is more likely than not that one or more violations of the Policy occurred.

Possible outcomes. An investigation may result in one of the following findings:

1. A determination that there is sufficient evidence to indicate a violation of this policy.
2. A determination that there is insufficient or no evidence to indicate a violation of this policy. If the violation does not rise to the level of a Title IX Sexual Harassment violation but would fall under another conduct violation, objectionable conduct that does not rise to the level of gender discrimination or harassment under this policy, it may be addressed through other remedial actions, education and/or conflict resolution mechanisms.

Sanctions.

If at the conclusion of the hearing the Respondent is found responsible for a violation of the policy (based upon the preponderance of the evidence), the investigation report will be forwarded to the appropriate University office for determination of sanctions. Sanctions may be imposed upon any member of the community found to have violated the Sexual

Appeals involving students will be heard following the Standards of Conduct in the Student handbook.

Appeals for Faculty members will be heard by the Provost.

Appeals for Administrative and Staff employees will be heard by the Vice President for Finance & Business Affairs.

The finding will be in writing and provided simultaneously to both parties, will be final, and cannot be appealed. The appeals officer will typically render a written decision to all parties within five (5) business days from receiving the appeal.

CONFIDENTIALITY

The University wishes to create a safe environment in which individuals are not afraid to discuss concerns. Therefore, the University will maintain the confidentiality of the complaint to the greatest extent possible and on a need-to-know basis, consistent with the law and the University's goal of conducting a thorough and complete investigation. Efforts will be made to safeguard the privacy and rights of all persons involved. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

RETALIATION

It is a violation of University policy and is prohibited for any person to retaliate against, interfere with, coerce, or take any other adverse action against a student, faculty member, staff member, applicant or other third party that (i) seeks advice concerning sexual harassment; (ii) makes a report or complaint of sexual harassment; (iii) assists or supports another individual that makes a report of sexual harassment; (iv) participates as a witness or

student in learning. The protections of academic freedom must be carefully considered in all reports of sexual harassment/misconduct involving faculty. The fact that speech or a particular expression is offensive is not, standing alone, a legally sufficient basis to establish a violation of this policy. If such speech or expression takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter in order to be sexual harassment under this policy. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

COUNSELING AND SUPPORT SERVICES

Any person seeking counseling or support services may contact any of the following:

Millikin University Public Safety	217.464.8888
Decatur Police	911
Growing Strong Sexual Assault Center	217.428.0770
DOVE Domestic Violence Advocacy Center	217.423.2238
Decatur Memorial Hospital	217.876.8121
St. Mary's Hospital	217.464.2966
National Domestic Violence Hotline	800.799.SAFE(7233)
National Sexual Assault Hotline	800.656.HOPE(4673)

For Employees:

Employee Assistance Program (EAP): free confidential counseling for University employees, as well as their dependents, through LifeWorks. To speak with a counselor or to schedule an appointment with a local counselor, call 877.234.5151 toll-free.

For Students:

Millikin-Memorial Health Clinic & Counseling Center	217.424.6360
Millikin Office of Student Affairs	217.424.6395

TRAINING AND EDUCATION

The University will provide training and education programming designed to promote the awareness of Sexual Harassment and Sexual Misconduct. The training will include how to identify and report sexual harassment. Specific training will be provided for those individuals who have responsibility for investigating and adjudicating alleged violations of this policy.

Training:

Officials with Responsibility for Investigating or Adjudicating Alleged Violations

Title IX The University will provide officials with responsibility for the investigation or adjudication of misconduct under this Policy with annual training regarding sexual harassment and misconduct including, but not limited to:

The University's policy;

The relevant federal and state law concerning sexual harassment, sexual violence, domestic violence, dating violence, and stalking;

The types of conduct that constitute sexual harassment, sexual violence, domestic violence, dating violence, and stalking;
Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of all participants and promotes accountability;
Consent and the role drugs and alcohol use can have on the ability to consent;
Trauma-informed response training.

Primary Prevention and Awareness

All new employees and incoming students will receive prevention and awareness training.

Ongoing Prevention and Awareness

The University will also provide ongoing prevention and awareness training for all students and employees.

Special trainings also held for specific groups or departments with particular Title IX concerns (i.e. resident assistants, fraternity and sorority groups, student athletes and coaches).

Sexual Assault Task Force

The Sexual Assault Regional Task Force meets bi-annually to discuss campus and community resources available to prevent or mitigate the impacts of general and s:pathe nity au1(rate)-1(ri)1(ni)1(n