JU Sexual Harassment and Assault Policy

Definition of Sexual Harassment

Sexual harassment—including but not limited to unwelcome or nonconsensual sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature that is unsolicited—is prohibited by law and will not be tolerated at Judson University. Sexual harassment may occur as sexual comments or advances, sexual slurs or jokes, leering, displays of sexually suggestive objects or pictures, sexually suggestive gestures, touching, sexually-based stalking, sexual exploitation, pinching or physical abuse or assault. Sexual harassment and/or assault that occurs off-campus shall be investigated and dealt with by Judson University if it creates a hostile environment on-campus for the victim or others.

In addition to the previously-mentioned examples, an incident may constitute sexual harassment if it meets any of the following criteria:

1. Submission to such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing; or
2. Submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating or hostile academic or work environment.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, students, and non-student or non-employee participants in University programs, such as vendors, contractors and visitors. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

Definition of Sexual Assault

Sexual assault is a crime and is prohibited by law. Sexual assault is defined as any sexual act directed against another person—forcibly and/or against that person’s will or not forcibly or against that person’s will—where the victim is incapable of giving consent; it includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are acts of unlawful, non-forcible sexual intercourse; they include incest and statutory rape. Judson University will not tolerate this form of behavior and will take all reported cases of sexual assault seriously.

Persons who have experienced sexual assault are advised to refrain from washing, changing clothes, using the toilet, douching or otherwise disturbing the scene of the crime so as to preserve as much evidence as possible, and should contact Campus Safety immediately. Campus Safety will assist the victim with notifying police as well as preserving evidence, and will report the incident to the University so it may be investigated.
Reporting Sexual Harassment and Assault

No employee of Judson University may hold a report of sexual harassment or assault “confidential” such that an investigation will not take place. Judson University staff and employees shall report any alleged or suspected incidents of sexual harassment or assault to any of the following University officials:

- President
- Provost
- Vice President of Student Development
- Director of Campus Safety/Title IX Compliance Coordinator
- Director of Counseling Center

Any of the above designated University officials who receives a complaint or report of sexual harassment, assault or discrimination shall immediately notify the Title IX Compliance Coordinator.

Investigating Claims of Sexual Harassment and Assault

The Title IX Compliance Coordinator shall bear responsibility for initially investigating the circumstances of the alleged offense to the extent necessary to make a determination as to whether the allegations could constitute a violation of the JU Sexual Harassment and Assault Policy. This includes fact-finding, collecting and documenting evidence and interviewing witnesses including the complainant and alleged harasser.

Romantic or consensual sexual relationships or incidents that do not meet the definition of sexual harassment or assault may still constitute a violation of Judson University policies, and would be referred to the Vice President having jurisdiction over the persons involved.

The Title IX Compliance Coordinator shall conduct the investigation with the following University officials:

- Vice President Student Development (or designee) for allegations involving a student, volunteer or visitor to the University.
- Vice President of Academic Affairs (or designee) for allegations involving a faculty member or academic appointee.
- Vice President of Business Affairs (or designee) for allegations involving a staff member.
- President (or designee) for allegations involving a Vice-President level official.
- Chairperson of the Board of Trustees for allegations involving the President.

The investigation shall be conducted as follows:

a. After determining if merit exists for a formal investigation into an incident, a statement of charges in writing will be presented within five business days by the Title IX Coordinator to both the accuser and the accused in all cases of alleged sexual assault or harassment.
b. The option for voluntary, informal mediation of some types of sexual harassment claims may be made available to the complainant. The complainant may choose to end this process at any time and proceed with a formal investigation.

c. If an incident is under investigation by law enforcement, Judson University shall still conduct its own independent investigation without delay.

d. In all incidents where it is suspected that a crime has been committed as defined by federal, state or local law, the Title IX Coordinator shall notify the police department.

e. The Title IX Coordinator in conjunction with the designated Vice President or other administrator may take immediate steps to prevent any continuance of a hostile environment for the complainant to include changes in living, work or academic arrangements, as possible. Judson University reserves the right to suspend or place on administrative leave any community member accused of violating the Sexual Harassment and Assault Policy, pending the outcome of the investigation.

f. A hearing shall be conducted as part of the University’s investigation into sexual harassment or assault, involving the Title IX Coordinator, designated Vice-President(s), and Behavior Assessment Team.

g. During the hearing, both accuser and accused shall have equal rights to present witnesses, have legal counsel and advocates present, and shall also have similar access to the same information.

h. Guilt shall be determined based on the “preponderance of evidence” standard, meaning an incident more likely than not occurred, as opposed to the “beyond a reasonable doubt” standard.

i. The investigation shall be conducted within 45 days of the parties being notified of the allegations, and both accuser and accused shall be notified in writing of the outcome of the investigation.

j. Any student found guilty of sexual harassment or sexual assault faces disciplinary sanctions including dismissal and expulsion. Likewise any employee of the University found guilty of sexual harassment or sexual assault shall face sanctions up to and including termination of employment.

k. Following notification of the outcome of the investigation, either party may file an appeal within 30 days to the University President. The President shall consider appeals only on the basis of: (i) procedural error, or (ii) inappropriate sanction. Substantive judgments of the original investigative team will not be revisited.

Other Assistance Offered To Victims

If a victim of sexual harassment and/or assault chooses not to report it, the victim is still encouraged to seek counseling through the University's Counseling Center at extension 5052.

Services available off-campus in the Elgin area include the Elgin Police Department (911), the Community Crisis Center (847-697-2380), Sherman Hospital (847-742-9800) and St. Joseph...
Hospital (847-695-3200).

For Rockford, off-campus agencies include the Rockford Police Department (911), Rockford Sexual Assault Counseling, Inc. (815-636-9811), and Rockford Memorial Hospital (815-971-5000).

In all cases of alleged sexual harassment or assault, the University will provide students with the opportunity to change their living, work or academic arrangements to the extent possible. For brochures and information regarding the prevention of and response to sexual harassment and sexual assault, please visit the Health Center or Campus Safety office.

For more information on sexual discrimination, harassment or assault, or to inquire about Title IX, please contact the Title IX Compliance Coordinator:

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