

Judson University Sexual Misconduct Policy

Scope

This policy applies to all visitors, students, staff, and faculty members at Judson University, including contracted employees.

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, invasion of sexual privacy, intimidation, 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.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

1. The frequency of the conduct;
2. The nature and severity of the conduct;
3. Whether the conduct was physically threatening;
4. Whether the conduct was humiliating;
5. The effect of the conduct on the victim's mental or emotional state;
6. Whether the conduct was directed at more than one person;
7. Whether the conduct arose in the context of other discriminatory conduct;
8. Whether the conduct unreasonably interfered with the victim's educational or work performance;

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.

Sexual Violence

Sexual violence, including sexual assault, sexual battery, sexual abuse and sexual coercion, is criminal activity 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.

Consent is a freely given agreement to sexual activity. Consent is informed, voluntary, active, clear, and given for each activity.

A person’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent. A person’s manner of dress does not constitute consent. A person’s consent to past sexual activity does not constitute consent to future sexual activity. A person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time.

Additionally, a person cannot consent to sexual activity if he or she is unable to understand the nature of the activity or give knowing consent due to the following circumstances:

- The person is incapacitated due to the use of influence of alcohol or drugs.
- The person is asleep or unconscious.
- The person is under age.
- The person has a mental disability.

Sexual assault 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 Misconduct

If the survivor of a sexual misconduct incident wishes for the matter to be held confidential, such that a University investigation does not occur, the individual may speak with a professional or pastoral counselor, or a designated confidential advisor as these individuals are not required by law to report identifying information regarding an allegation of sexual misconduct to the University.

If you are from the Elgin campus and wish to speak to a confidential advisor, please contact the Elgin Community Crisis Center 24/7 at 847-742-2380.

If you are from the Rockford campus and wish to speak to a confidential advisor, you may contact Rockford Sexual Assault Counseling, Inc. 24/7 at 815-636-9611.

Anonymous reporting of a sexual misconduct incident can be made using the Silent Witness/Anonymous form on the Judson University website under the Title IX Services section (found under Services from the main website). This form does not collect personal identifying information and is only used to provide the University with information for the purpose of crime statistics collection and identifying dangerous trends on campus. You may choose to provide your name and contact information if you wish for the University to follow up with you.

Survivors are encouraged to speak to University officials to make formal reports of incidents (deans, coaches, vice presidents, or other administrators with supervisory responsibilities, campus safety, and human resources). The university considers these people to be “responsible employees.” Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

Judson University “responsible employees” as defined above shall report any alleged or suspected incidents of sexual harassment or assault to any of the following University officials:

- President
- Provost
- Vice President Office of Diversity/Title IX Compliance Coordinator
- Deputy Title IX Coordinator(s)
- Appropriate human resources contact in University Business Office

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 coordinator.

Survivor’s Rights

As a survivor of sexual violence, domestic violence, stalking, or harassment you have the right to report or not report the incident to Judson University and/or local police. If you would like assistance with notifying local police, the Judson University Title IX coordinator will work with Campus Safety to provide you with this assistance.

Reporting sexual violence, domestic violence, stalking or sexual harassment to a dean, administrator, Title IX coordinator, coach, resident director, professor, Campus Safety employee, or supervisor would be considered “official notice” to Judson University and would legally obligate Judson University to investigate the allegations.

If you would like to talk to someone confidentially about options and resources available to survivors of sexual assault without reporting the incident to Judson University, you may contact any of the following services at no cost to you 24 hours a day:

- Community Crisis Center
PO Box 1390
Elgin, IL

847-697-2380 (24/7 crisis hotline)
crisiscenter.org

- Rockford Sexual Assault Counseling, Inc.
4990 E State Street
Rockford, IL 61108
815-636-9811 (24/7 crisis hotline)
<http://www.rsaconline.org/>

To obtain a medical forensic examination at no cost to you, contact either of the following facilities:

Sherman Hospital
1425 N. Randall Road
Elgin, IL 60123
847-742-9800
www.shermanhealth.com

Rockford Memorial Hospital
2400 N Rockton Avenue
Rockford, IL
815-971-5000
<http://www.rockfordhealthsystem.org/rockford-memorial-hospital>

Judson University will also assist survivors of sexual violence, domestic violence and stalking with changing campus housing, campus work arrangements, class schedules, and obtaining and enforcing orders of protection or civil no contact orders on campus as necessary. Judson University will also provide survivors with assistance obtaining campus counseling services.

Procedures for Investigating Claims of Sexual Misconduct

The Title IX coordinator, or his/her designee, 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 Judson University Sexual Misconduct Policy. This includes fact-finding, collecting and documenting evidence and interviewing witnesses including the complainant and respondent.

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

The investigation shall be conducted as follows:

- a. The Title IX coordinator shall assign a Title IX investigator(s) to contact the complainant and the respondent for an initial interview after receiving notification of a potential violation of the Policy. The Title IX investigator shall provide the complainant, once identified, with a copy of their rights as a survivor.
- b. After determining if merit exists for a formal investigation into an incident, a statement of charges in writing will be presented within seven business days by the Title IX

coordinator to both the complainant and respondent in all cases of alleged sexual assault or harassment.

- c. The option for voluntary, informal mediation of some types of sexual harassment claims may be made available to the complainant. Informal mediation outcomes may include changes in living, work or academic arrangements, counseling and/or campus no contact orders. The complainant may choose to end this process at any time and proceed with a formal investigation. This type of mediation will not be used to resolve allegations of sexual violence.
- d. If an incident is under investigation by law enforcement, Judson University shall still conduct its own independent investigation without delay.
- e. 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 assist the survivor with notifying local law enforcement if requested.
- f. Judson University may take immediate, interim 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 Misconduct Policy, pending the outcome of the investigation.
- g. The investigation will be led by the Title IX coordinator or other designated, trained investigator(s).
- h. A hearing shall be conducted as part of the University's investigation into sexual misconduct, and shall be chaired by the assigned Deputy Title IX Coordinator. To avoid any potential conflicts of interest, notice shall be sent to both the complainant and respondent of the composition of the hearing committee prior to contact between the hearing committee and the accuser or accused.
- i. During the hearing, both complainant and respondent shall have equal rights to present witnesses, have an advisor present, and shall also have similar access to the same information. To avoid potential intimidation, the respondent may not cross-examine or question their accuser directly during the investigation, but may submit questions to the hearing committee chair who will pose questions deemed relevant.
- j. 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.
- k. The entire investigation process including notice of outcome shall be conducted within 60 days of the University being notified of the allegations, and both complainant and respondent shall be notified in writing of the outcome of the investigation.
- l. Any student found guilty of sexual harassment or sexual assault faces disciplinary sanctions up to dismissal and expulsion. Likewise any employee of the University found guilty of sexual harassment or sexual assault shall face sanctions up to termination of employment.

- m. Following notification of the outcome of the investigation, either party may file an appeal within five business days to the University President. The President shall select two appointees to 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. Notification to the parties of the appeal decision will be made within seven days of the finding.

Retaliation Against Survivors

Judson University supports survivors of sexual misconduct. Any retaliation against survivors or witnesses for making a report in good faith or otherwise supporting the complaint-resolution process will not be tolerated. Any person who believes that they have experienced retaliation for making such a report shall immediately bring it to the attention of the Title IX Coordinator.

Survivors of sexual violence will not receive disciplinary sanctions for minor student conduct violations related to the reported incident, such as alcohol consumption or premarital sex.

Bystander Intervention

Appropriate bystander intervention can reduce incidents of sexual misconduct and mitigate negative effects. Intervention techniques include:

- Respecting another person's right to say no to a sexual encounter. Someone who is intoxicated or unconscious cannot consent to a sexual encounter.
- Speaking up against false comments or jokes about sexual assault or harassment. Be honest and direct.
- Getting help from others, including calling the police when a situation gets serious. Keep yourself safe.

Other Resources

Services available off-campus in the Elgin area include:

- Elgin Police Department (911)
- The Community Crisis Center (847-697-2380)
- Sherman Hospital (847-742-9800)
- St. Joseph Hospital (847-695-3200)

For Rockford, off-campus agencies include:

- Rockford Police Department (911)
- Rockford Sexual Assault Counseling, Inc. (815-636-9811)
- Rockford Memorial Hospital (815-971-5000)

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

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(Revised 8/6/2015; 7/12/2016)

