

## **Sexual Misconduct Policy**

### **Purpose:**

The purpose of the policy is to define the College's guidelines and procedures regarding sexual misconduct that may create a hostile learning environment.

### **Policy:**

#### **I. What is Title IX?**

Title IX of the Education Amendments of 1972 protects individuals from sex discrimination and sexual harassment in educational programs, activities, and employment settings at institutions that receive federal financial assistance, such as Blessing-Rieman College of Nursing & Health Sciences ("the College").

#### **II. Sex Discrimination**

The College is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect where individuals are free from sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, stalking, and retaliation (collectively "Sexual Misconduct"). The College considers sexual misconduct in all its forms to be a serious offense.

Discrimination on the basis of sex ("Sex Discrimination") constitutes a violation of this policy, is unacceptable, and will not be tolerated. The College prohibits Sex Discrimination in all the College's programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services. Sex Discrimination includes discrimination on the basis of gender identity and failure to conform to stereotypical notions of femininity and masculinity. It also includes discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, and/or recovery from any of these conditions. This policy applies when the complainant and alleged perpetrator are of the same or opposite sex, and regardless of gender identity or sexual orientation of the complainant and the alleged perpetrator. It also applies regardless of national origin, immigration status, or citizenship status. In compliance with Title IX and its implementing regulations, the College has implemented this policy to eliminate, prevent its recurrence, and address conduct that constitutes Sex Discrimination. Employees of the College also fall under the Blessing Health System Harassment Policy.

Harassment, whether verbal, physical, or visual, that is based on sex is a form of prohibited Sex Discrimination, and Sexual Violence is a particularly severe form of Sexual Harassment. The specific definitions of Sexual Harassment and Sexual Violence, including examples of such conduct, are set forth below.

#### **III. Scope**

This policy applies to all administrators, faculty, and other College employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College's educational programs and activities, including third-party visitors on campus (the "College Community").

The College has jurisdiction over complaints alleging sexual misconduct when the conduct occurs on campus or any other property occupied by the College, during or at an official College program or activity (regardless of location), or off campus when the conduct creates a hostile environment on campus. The

College does not have jurisdiction over complaints alleging sexual misconduct which occurs off-campus that does not involve a College program or activity.

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the College's Sexual Misconduct Complaint Resolution Procedures, and the College will take disciplinary action where appropriate.

#### **IV. Definitions and Examples**

##### Sexual Misconduct

This policy prohibits sexual misconduct. "Sexual misconduct" is an umbrella term that includes sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, stalking, and retaliation. Sexual misconduct does not depend on the gender, gender identity, or sexual orientation of the alleged victim and alleged perpetrator.

##### Sex Discrimination

Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity, including employment, on the basis of their sex. Sex discrimination includes materially adverse treatment or action based on a person's:

- biological sex;
- pregnancy status;
- gender, gender expression, or sexual identity; and/or
- failure to conform to stereotypical notions of masculinity and femininity (so called "gender stereotyping").

Sex discrimination also includes conduct that meets the definitions of sexual harassment and sexual violence, as set forth below.

##### Examples of Sex Discrimination

Specific examples of conduct that may constitute sex discrimination include:

- Giving unequal pay, promotions, or other job benefits on the basis of gender.
- Allowing a person's gender to influence the grade conferred in a class.
- Denying persons' access to a given degree or major because of their gender.
- Requiring a pregnant student to verify pregnancy-related absences with a doctor's note when such verification is not required of students with other medical conditions.
- Excluding a person from a College-sponsored group because the person has a gender identity different from the gender assigned to the person at birth.
- Excluding a person from participation in a College-sponsored activity based on stereotypical notions of how a person of a given gender or sexual identity should look, speak, or act.
- Conduct that meets the definition of sexual harassment or sexual violence, as set forth below.

#### **Sexual Harassment**

The College prohibits Sexual Harassment in all of its programs and activities. In compliance with Title IX and its implementing regulations, the College has implemented this policy to eliminate and address conduct that constitutes Sexual Harassment and to prevent its recurrence.

Sexual Harassment is any unwelcome conduct of a sexual nature toward those of the same or opposite sex. Sexual Harassment constitutes Sex Discrimination when it is sufficiently serious to interfere with or limit a person's ability to participate in or benefit from the College's programs or activities based on sex.

Sexual Harassment is sufficiently serious to interfere with or limit a person's ability to participate in or benefit from the College programs and activities, when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any aspect of the College's programs and activities and/or any aspect of employment;
- Submission to or rejection of such conduct by a person is used as a basis (or threatened to be used as a basis) for any decision adversely affecting such person with respect to any aspect of the College's programs and activities and/or any aspect of employment; or
- Such conduct is severe or pervasive, such that, considering all relevant circumstances, the conduct denies or limits a person's ability to participate in the College's programs and activities; the conduct substantially interferes with the person's work performance; and/or the conduct creates an intimidating, hostile, or offensive working environment.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly where the Sexual Harassment is physical.

Sexual Harassment includes any unwelcome sexual advances, requests for sexual favors; and other verbal, physical, or visual conduct of a sexual nature, such as:

- Unwelcome physical contact, such as kissing, rubbing, massaging, hugging, patting, or pinching;
- Direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, performance evaluation, grades, letters of recommendation, or other work or educational benefits;
- Comments of a sexual nature and/or sexually explicit statements, questions, jokes, anecdotes, gestures, or facial expressions. Conduct need not be in person but can be any form of communication, including, but not limited to, written, telephone, or electronic communication such as electronic mail and/or comments sent via the Internet;
- Exhibition or use of sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum, research, or the mission of the College. Such materials may be in the form of music, documents, objects, photographs, film, or electronically generated materials;
- Any unwanted, inappropriate behavior that is targeted toward a person or persons because of their sex, for example repeatedly telling women (or men) that they are not capable of doing a certain kind of work;
- Unreasonable pressure for a dating, romantic, or intimate relationship;
- Sexually explicit profanity;
- Any act of Sexual Violence (as defined below).

In determining whether unwelcome conduct of a sexual nature rises to the level of creating a hostile environment, the College will consider the totality of circumstances, including, but not limited to, the nature and severity of the conduct, the duration of the conduct, whether the conduct is part of a pattern, the age of the potential victim, and whether there is a power differential between the alleged victim and alleged perpetrator. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the alleged victim's position.

A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

### **Sexual Violence**

Sexual Violence is a form of prohibited Sexual Harassment. Sexual Violence includes physical, sexual acts perpetrated against a person's will, or where a person is incapable of giving consent (e.g. due to age below that which is legally required to give consent, use of drugs or alcohol, or temporary or permanent

mental or physical incapacity). Sexual Violence is a particularly severe form of sexual harassment that, by its very nature, is likely to create a hostile environment. Therefore, a single instance of Sexual Violence may sufficiently interfere with or limit a person's ability to participate in or benefit from the College's programs or activities such that it creates a hostile environment.

Under this policy, Sexual Violence also includes sexual exploitation, which consists of prostituting another person, secretly recording the sexual activities of a person without their consent, or viewing the sexual activities of another person without their consent (i.e., "peeping" or engaging in voyeurism).

A number of different criminal acts fall into the category of Sexual Violence, including conduct commonly referred to as "rape," "sexual assault," "forced sodomy," and "sexual battery."

Some examples of Sexual Violence include:

- Sexual penetration (anal, vaginal, or oral) or touching of sexual organs that is committed by force, threat, intimidation, or otherwise without consent.
- Conduct that amounts to sexual assault under Illinois law, as defined below.
- Having sexual intercourse with, or sexually touching, a person who is incapacitated because of drug or alcohol use, including a person who has been given a "date rape drug" or any other drug causing incapacitating impairment.
- Exceeding the scope of consent (e.g., having vaginal or anal sex with a person when they have only consented to oral sex).
- Prostituting another student.
- Knowingly exposing another person, without their consent, to sexually transmitted infections (such as HIV, chlamydia, gonorrhea, syphilis, or herpes) through sexual activity.
- Secretly videotaping, audiotaping, or photographing sexual activity where the other party has not consented.

## **Consent**

Consent is defined as conduct that a reasonable person would understand to indicate agreement to the sexual conduct at issue. Under this Policy, consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive. Lack of consent is a critical factor in determining whether sexual violence has occurred.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
  - Coercion is defined as a direct or implied threat of danger, hardship, or retribution sufficient to persuade a reasonable person to engage in sexual activity in which they otherwise would not engage or to which they otherwise would not submit. Coercion is different from seductive behavior based on the type of pressure someone uses to get another to engage in sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's free will and ability to choose whether or not to engage in sexual activity. Coercion can include unreasonable and sustained 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; once a person has made it clear 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, you should be absolutely clear that they have changed their mind and are consenting before proceeding in sexual activity with them.
- If a person is mentally or physically incapacitated by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
  - Warning signs of when a person may be incapacitated due to drug and/or alcohol use include slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.

- A person who is under age in the applicable jurisdiction cannot provide consent to sexual activity.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to past sexual activity does not constitute consent to future sexual activity.
- Dressing in a certain manner does not constitute consent.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue.
- While consent can be withdrawn, a withdrawal of consent operates going forward. It does not change the consensual nature of sexual activity that has already occurred.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

## **V. Other Forms of Sexual Misconduct**

In addition to the examples set forth above, the following types of conduct can also constitute a basis for finding Sexual Misconduct, which could represent a violation of Title IX, if the conduct is sufficiently serious to interfere with or limit a person's ability to participate in or benefit from the College's programs and activities. Regardless of the motivation for engaging in such behavior, the crimes of domestic violence, dating violence, stalking and sexual assault are a violation of this policy.

### Domestic Violence

Under Illinois Law, Domestic Violence is a crime (750 ILCS 60/1). Any person who physically abuses (such as hits, chokes, or kicks), threatens, harasses, intimidates, or interferes with the personal liberty of another family or household member can be found to be in violation of the Illinois Domestic Violence Act. Under Illinois law, family or household members are defined as:

- family members related by blood;
- people who are married or used to be married;
- people who share or used to share a home, apartment, or other common dwelling;
- people who have or allegedly have a child in common or a blood relationship through a child in common;
- people who are dating or engaged or used to date, including same sex couples; and
- people with disabilities and their personal assistants.

Domestic Battery is also a crime under Illinois law (720 ILCS 5/12-0.1 and 5/12-3.2). A person commits domestic battery if he or she knowingly without legal justification by any means: 1) causes bodily harm to any family or household member or 2) makes physical contact of an insulting or provoking nature with any family or household member.

### Dating Violence

Dating Violence is not a distinct offense under Illinois law, but note that the definitions of Domestic Violence and Domestic Battery above include violence against a person with whom the perpetrator has a dating or engagement relationship. Furthermore, under guidelines provided in the Violence Against Women Act, dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the 1) length of the relationship, 2) type of relationship, and 3) frequency of interaction between the persons involved in the relationship.

## Stalking

Under Illinois law (720 Ill. Comp. Stat. 5/12-7.3), a person commits stalking when he or she:

- Knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
  - Fear for his or her safety or the safety of a third person; or
  - Suffer other emotional distress.
- Knowingly and without lawful justification, on at least 2 separate occasions, follows another person or places the person under surveillance or any combination thereof and:
  - At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, and the threat is directed towards that person or a family member of that person; or
  - Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint to or of that person or a family member of that person.
- Previously has been convicted of stalking another person and knowingly and without lawful justification on one occasion:
  - Follows that same person or places that same person under surveillance; and
  - Transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint to or of that person or a family member of that person.

## Sexual Assault

Under Illinois law (720 ILCS 5/11-1.20) “criminal sexual assault” is committed when a person does any of the following:

- commits an act of sexual penetration by the use of force or threat of force.
- commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent.
- commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member.
- commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority, or supervision in relation to the victim.
- This includes those of the same or opposite sex.

## **VI. Retaliation**

Retaliation consists of materially adverse action taken against a person because the person made a good faith report of sexual misconduct or participated in the investigation of a report of sexual misconduct, such as by serving as a witness or support person.

It is a violation of the Sexual Misconduct policy to retaliate against any member of the College community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against should make a complaint in the manner outlined below. All institutional sanctions are available for those found to have engaged in retaliatory conduct, up to and including termination/expulsion.

Specific examples of Retaliation include:

- Terminating a person’s employment, demoting them, denying them a promotion, reducing their pay, or “writing them up” because they made a report of sexual misconduct or gave a statement as a witness.

- Sending threatening text messages or social media messages to someone because they made a report of sexual misconduct or gave a statement as a witness.
- Causing physical damage to a person's personal belongings because they made a report of sexual misconduct or gave a statement as a witness.
- Suspending a person from an activity or limiting their involvement because they made a report of sexual misconduct or gave a statement as a witness.
- Publishing knowingly false information about a person because they made a report of sexual misconduct or gave a statement as a witness.

### Good Faith Reports

The College encourages the good faith reporting of sexual misconduct. However, the College will not allow this policy or the Complaint Resolution Procedures to be abused for improper purposes. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline. Such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of sexual misconduct if, at the time they make the report, they know the report is false or frivolous.

Further, the College may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a complaint of sexual misconduct, and such disciplinary action will not constitute prohibited retaliation.

### **VII. Responsible Employees**

The College defines a Responsible Employee as any employee who has authority to take action to redress sexual misconduct and has duty to report these matters or other types of misconduct to appropriate officials. Responsible Employees must report any and all incidents of sexual misconduct to the Title IX Coordinator. Responsible Employees include administration, faculty, and staff. Students and others should be aware that providing information about sexual misconduct to a responsible employee will result in that information being forwarded to the Title IX Coordinator for review and investigation. Responsible Employees are required to report and may not keep the information confidential.

The College encourages all other members of the College community to report any and all incidents of sexual misconduct, domestic violence, dating violence, and stalking even if they are unsure if the conduct is a violation of this policy.

### **VIII. Roles and Responsibilities**

#### Title IX Coordinator

The Title IX Coordinator oversees and provides leadership for the activities related to Title IX compliance, training, investigations, enforcement, and reporting. The Title IX Coordinator will coordinate with law enforcement when appropriate.

The Title IX Coordinator can also answer questions regarding the process and procedures for reporting, investigating, and adjudicating complaints of Title IX violations. The Coordinator is a non-confidential source but can direct members to on- and off-campus confidential resources.

The College's notice of non-discrimination is posted on the college website ([www.brcn.edu](http://www.brcn.edu)), in employee and student handbooks, and on a bulletin board in the student lounge.

Contact Information for Title IX Coordinator is:

Jenna Crabtree, MBA

Dean of Enrollment Management/Business Manager  
Blessing-Rieman College of Nursing & Health Sciences  
Broadway at 11<sup>th</sup> St  
PO Box 7005  
Quincy, IL 62305-7005  
[www.brcn.edu](http://www.brcn.edu)  
[jcrabtree@brcn.edu](mailto:jcrabtree@brcn.edu)  
217-228-5520, ext. 6961

### Administrators, Deans, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those who formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy.
- Work with the Title IX Coordinator to implement education and training programs for employees and students.
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy.

### All Employees

It is the responsibility of all employees to review this policy and comply with it.

### Students

It is the responsibility of all students to review this policy and comply with it.

### The College

When the College is aware that a member of the College Community may have been subjected to or affected by conduct that violates this policy, the College will take prompt action and review the matter. If necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct will occur. The College will act in accordance with its Sexual Misconduct Complaint Resolution Procedures found within this Policy.

## **IX. Confidentiality**

The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws related to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints. In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

If a person desires to talk in complete confidentiality about his or her situation, the on-campus confidential resources listed below can be contacted. These confidential resources are available to assist you and will not report your circumstances to the College without your permission unless otherwise required to do



so by law (such as when the victim is a minor). Notwithstanding, when necessary, the on-campus confidential resource will make a non-identifying report to the appropriate College personnel so that reported crimes can be included in the College's annual crime statistics disclosure.

The on-campus confidential advisor is:

Sarah Mueller, MSW, LCSW  
Counselor, Blessing-Rieman College of Nursing & Health Sciences  
Broadway at 11<sup>th</sup> St  
PO Box 7005  
Quincy, IL 62305-7005  
Student Services Building  
[muellers@brcn.edu](mailto:muellers@brcn.edu)  
217-228-5520 x 6997

BRCN Confidential Compliance Hotline  
1-888-495-4387

All confidential advisors complete 40 hours of training regarding issues of sexual misconduct prior to appointment and complete 6 hours of additional training on an annual basis. They also are trained to have an understanding of the College's specific policy and processes for addressing sexual misconduct and resources available on campus and in the community.

Other confidential resources include:

Employee Assistance Program through Blessing Behavioral Center  
Please call 217-224-4453 to make an appointment.

Community, State, and National Agencies  
Quanada-Domestic Violence and Sexual Assault Programs  
2707 Maine  
Quincy, IL 62301  
217-222-0069  
1-800-369-2287  
Quanada.org

Avenues-Domestic Violence and Sexual Assault Advocacy  
PO Box 284 Hannibal, MO 63401  
1-800-678-7713  
Avenueshelp.org

RAINN Rape, Abuse, and Incest National Network  
Rainn.org  
1-800-656-4673

## **X. Academic Freedom**

While the College is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom. While sexual harassment can include verbal and written conduct, the College's policies establishing academic freedom provide significant space for individuals to express controversial views, teach controversial subjects, and engage in controversial research. As such, the offensiveness of a particular expression, course content, subject of academic inquiry, or research topic, as perceived by some, standing alone, is not sufficient to constitute a violation of this policy.

Faculty, staff and students should be aware that conduct occurring in the context of educational instruction may exceed academic freedom if it meets the definition of sexual misconduct and, for example, is not germane to academic subject matter, lacks a pedagogical purpose, is defamatory or libelous, or threatens physical harm or imminent violence.

#### **XI. Education**

Because the College recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important, it offers educational programming to a variety of groups; such as, campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including how to recognize warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

#### **XII. Review**

This policy is maintained by the College's Title IX Coordinator. The Academic Dean and the Title IX Coordinator will review this policy annually. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the Complaint Resolution Procedures. The review will incorporate an aggregate view of reports, resolution, and climate.

#### **XIII. Distribution**

This policy will be disseminated widely to the College Community through email communication, the College's website, inclusion in orientation programs for new employees and new students, and other appropriate channels of communication.

#### **XIV. Prevention**

The College prohibits rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking and has various programs to educate students and employees about awareness of such offenses and steps that can be taken to prevent them. All faculty, staff, and students receive annual training and education regarding sexual misconduct.

The College's Crime Prevention and Safety Awareness Program focuses on all incoming students and new employees and is geared towards stopping dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality; encourage safe bystander intervention; and seek to change behavior and social norms in healthy and safe directions.

The Crime Prevention and Safety Awareness Program also includes instruction on safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene where there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual. It also includes information on risk reduction, such as warning signs of abusive behavior and how to avoid potential attacks.

The following are safe and positive options that a bystander can take to intervene and prevent harm or the risk of harm to another individual:

- Name or acknowledge an offense
- Point to the "elephant in the room"
- Interrupt the behavior
- Publicly support an aggrieved person

- Call for help

The following information relates to risk reduction options that promote safety and help students and employees address conditions that facilitate violence.

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly
- Try to remove yourself from the physical presence of the sexual aggressor. Be direct as possible about wanting to leave the environment
- Solicit someone nearby and ask them for help
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you
- Be aware of someone trying to slip you an incapacitating "rape drug" like Rohypnol or GHB
- It is also important to be aware of the warning signs of an abusive person. Some examples include:
  - Past abuse
  - Threats of violence or abuse
  - Breaking objects
  - Using force during an argument
  - Jealousy
  - Controlling behavior
  - Quick involvement
  - Unrealistic expectations
  - Isolation
  - Blaming others for problems
  - Hypersensitive
  - Cruelty to animals or children
  - "Playful" use of force during sex
  - Jekyll-and-Hyde personality

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to remember your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person
- Don't make assumptions about the other person's consent or about how far they are willing to go
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior
- If your partner expresses a withdrawal of consent, stop immediately
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be able to progress sexually
- Do not take advantage of someone who is drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

In addition, the College has an Ongoing Crime Prevention and Safety Awareness Campaign for students and employees. This campaign serves as a refresher for the topics addressed in the Crime Prevention and Safety Awareness Program. It is conducted by means of CBLs, and emails with links to videos for programming, initiatives, and strategies that are focused on increasing understanding of topics relevant to skills for addressing, dating violence, domestic violence, sexual assault, and stalking.

On-line resources:

[www.Notalone.gov](http://www.Notalone.gov)

[www.NSVRC.org](http://www.NSVRC.org)

## **Sexual Misconduct Complaint Resolution Procedures**

### **I. Complaints**

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. These procedures are designed to address and promptly resolve reports and complaints of sexual misconduct. Responsible Employees are required to report incidents of sexual misconduct within 24 hours of receiving information regarding the incident. Others are encouraged to file as soon as possible because delayed reporting may limit the College's ability to investigate and respond to the complaint.

Under these Complaint Resolution Procedures, the party making a complaint is referred to as the "complainant" and the person accused of misconduct is referred to as the "respondent."

#### Who may make a complaint?

Any administrator, faculty, staff, student, third party, bystander, or user of College facilities or programs may initiate a complaint. Responsible Employees are required to make such a complaint when they have information regarding an incident of sexual misconduct.

Any student who makes a report under the College Sexual Misconduct Policy will be provided written information on rights and options. Respondents will also receive information regarding their rights and options.

#### Anonymous Complaint

Anonymous complaints will be investigated by the College, although it is often difficult to gather facts and conduct a thorough investigation via anonymous complaints. The College encourages individuals to file a complaint of sexual misconduct when they are the victim of such conduct.

The College has an anonymous reporting system known as Silent Witness. This can be used if the witness or reporting party chooses to make a report anonymously. This form is also available on the door to the Student Services Office as well as the college website ~~in the forms section.~~ **under Campus Safety.**

Responsible Employees may not submit anonymous reports when they receive a report of sexual misconduct. Responsible Employees are required to provide the College with all relevant information.

#### Where to file a complaint

Jenna Crabtree, MBA  
Dean of Enrollment Management/Business Manager  
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PO Box 7005

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[www.brcn.edu](http://www.brcn.edu)  
[jcrabtree@brcn.edu](mailto:jcrabtree@brcn.edu)  
217-228-5520, ext. 6961

A person may also file a complaint of Sex Discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

### **Basic Elements of a Complaint**

There is no formally required content. However, so that the College has sufficient information to investigate a complaint, the following elements should be included to the extent possible:

- Date(s) and time(s) of the alleged conduct
- Name(s) of all persons involved in the alleged conduct
- Name(s) of possible witnesses
- A statement of the event(s) which is (are) the cause of the complaint
- Contact information for the complainant so that the College may follow up appropriately

### **Conduct that Constitutes a Crime/Pending Criminal Investigation**

In addition to making a report under this policy, the College encourages any person who believes he or she is the victim of a crime-including sexual violence, domestic violence, dating violence, or stalking-to make a report to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. If the situation is an emergency or if a person believes he or she is in imminent danger, the person should dial 911. Unless there is a health or safety emergency, articulable threat to members of the College community, or a state law requiring reporting (such as in the case of child abuse), the College will not contact law enforcement without the alleged victim's permission.

The filing of a police report and the pendency of a criminal investigation does not absolve Blessing-Rieman College of Nursing & Health Sciences of its responsibilities under Title IX to conduct an investigation and resolve the complaint. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

### **Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking**

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order.

For those who believe that they are victims of sexual violence, domestic violence, or dating violence, the College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime-avoid bathing, using the toilet, rinsing one's mouth, or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Contact local police by calling 911 if the incident occurred off campus.
- Get medical attention – not all medical injuries are immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the

victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.

- Contact a trusted person, such as a friend or family member for support.
- Talk with the College Counselor who will help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Complaint Resolution Procedures.

Area medical facility providing forensic examination at no cost to survivor:

Blessing Hospital  
Broadway at 11<sup>th</sup> St  
PO Box 7005  
Quincy, IL 62305-7005  
217-223-1200

It is also important to preserve evidence such as letters, emails, text messages, etc. Doing so is especially important in cases of stalking, as this type of evidence is likely to be the only physical evidence available.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

A complainant who makes a claim related to sexual violence, domestic violence, dating violence, or stalking will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint of Sexual Violence, Domestic Violence, Dating Violence, or Stalking."

### Amnesty Provision

The Amnesty Provision provides immunity to any student who reports, in good faith, an alleged violation of this policy to the Title IX Coordinator or other responsible employee, so that the reporting student will not receive a disciplinary sanction by the College for a Student Code of Conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the College determines that the violation was egregious. Instances of egregious violations may include but are not limited to taking action that places the health and safety of any other person at risk.

## **II. Protecting the Parties**

Pending the final outcome of an investigation, the College will take steps to protect the parties involved from further discrimination and harassment. This may include assisting and allowing the individual to change his or her academic, transportation, dining, work, or living situation if options to do so are reasonably available and upon request. Such changes may be available regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Requests to change an academic, transportation, dining, work, or living situation, or a request for the College to take any other protective measure, such as a campus no contact order, should be made to the Title IX Coordinator.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator. The College will take all reasonable and legal action to implement the order.

### **III. Investigation and Notification Procedures**

#### **Applicability of Procedures**

These procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct. To the extent there are any inconsistencies between these complaint resolution procedures and other College grievance, complaint, or discipline procedures, these Complaint Resolution Procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy

#### **Investigating Officer**

Complaints of sexual misconduct will be investigated by the Title IX Coordinator and/or others who are assigned investigative duties. The Title IX Coordinator and/or other College official investigating a complaint will be referred to the "Investigating Officer" below.

#### **Participation in Investigations**

All members of the College community are encouraged and expected to fully cooperate with any investigation and resolution under these Complaint Resolution Procedures. College employees who fail to cooperate and/or participate will face discipline, up to and including termination. In the event an alleged victim refuses to participate under these Complaint Resolution Procedures, the College may proceed as a complainant. In the event a respondent refuses to participate, the Complaint Resolution Procedures will be completed despite the Respondent's lack of participation and may result in a finding of misconduct *in absentia*.

#### **General Principles of the Investigation Process**

When there is a complaint of sexual misconduct, an investigation and resolution process will take place. The following principles will apply:

- The investigation and resolution will occur in a prompt, timely, impartial, and fair manner. The Investigating Officer implementing these procedures shall discharge his/her obligations fairly and impartially. If the Investigating Officer cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, he or she shall designate another appropriate College official to fulfill his or her role.
- These procedures will be implemented by College officials who receive annual training on issues related to sexual misconduct, domestic violence, dating violence, and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability.
- In making any determination on the resolution of the complaint, the evidentiary standard of ~~clear and convincing evidence~~ **preponderance of the evidence, i.e. more likely than not that sexual misconduct occurred**, will be applied.
- At each stage of the Complaint Resolution Procedures (interviews, meetings, hearings, etc.), the complainant and respondent may be accompanied by a support person of their choice. In cases involving multiple complainants or respondents, the support person/advisor cannot be

another complainant or respondent. The support person/advisor may provide support and private counsel to the party. However, the support person does not serve as an advocate on behalf of the complainant or respondent may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process. The College reserves the right to remove or dismiss a support person/advisor who fails to follow this policy and applicable provisions of the Complaint Resolution Procedures, in which case the party will be allowed to select a different support person.

- During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:
  - Equal opportunity to identify and have considered witnesses and other relevant evidence.
  - Similar and timely access to all information considered by the Investigating Officer.
  - Equal opportunity to review and comment, in writing, on any statements or evidence provided by the other party.
  - Equal access to review and comment, in writing, on any information independently developed by the Investigating Officer.
- Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and resolution procedure. However, informal resolution may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, either party may terminate any informal resolution being utilized at any time and invoke the formal investigation procedure. In any event, informal resolution, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence. Informal resolutions will be documented by the Title IX Coordinator including the alleged complaint, and process of resolution as well as the final resolution. There is no right of appeal for informal resolution for either party.
- At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Sexual Misconduct policy.
- The College will endeavor to conduct a fair investigation in a timely manner Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or the respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request in approximately three (3) days.
- Some instances of sexual misconduct may also constitute criminal conduct. As necessary and when applicable, the College will contact and cooperate with law enforcement in situations involving sexual misconduct. In the case where alleged criminal conduct has also been reported to law enforcement, the College may temporarily delay its investigation of the complaint where necessary to avoid interfering with law enforcement. However, the pendency of a criminal investigation does not serve as a substitute for these procedures, and the investigation and resolution process will commence promptly once interference is no longer a concern. In addition, because the standard of proof that applies in these procedures (i.e., ~~clear and convincing evidence~~ **preponderance of evidence**) is different from the standard necessary for a criminal conviction (i.e., proof beyond a reasonable doubt), the College's determination will not be held in abeyance due to the pendency of a criminal trial.



- Cases involving multiple complainants or respondents will be handled using the General Principles of Investigation Process. In those cases, each of the complainants and respondents would be investigated on an individual basis. At the discretion of the Title IX Coordinator, investigative meetings and other procedures may be combined to address more than one complaint.

#### Initial Notification

Prior to the commencement of the investigation, the complainant and the respondent shall (i) receive notice of the individual(s) with authority to make a finding or impose a sanction at the conclusion of the investigation and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.

#### Commencement of the Investigation

Once a complaint is made, the Investigating Officer will commence an investigation as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether ~~clear and convincing evidence supports~~ **it is more likely than not** that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from other College administrators, the College's attorneys, or other parties as needed.

#### Notification of the Respondent and Selection of Resolution Process

Once the Investigating Officer receives a complaint, the Investigating Officer will promptly notify the respondent and provide the respondent with the opportunity to review a copy of the written complaint. This notice will include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident.

The Investigating Officer will then communicate with each party, separately, to discuss the pertinent avenues for resolution as set forth below. Considering the parties' wishes and other circumstances, the Investigating Officer will then determine whether the complaint will be resolved through an informal or formal process. The Investigating Officer will then notify the parties of the process to be used.

#### Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence.

Formal rules of evidence do not apply in any of the formal resolution processes specified below. Nonetheless, evidence that is irrelevant or whose prejudicial effect substantially outweighs its probative value may be excluded from consideration. A complainant's irrelevant sexual history will be excluded from consideration.

The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Throughout the investigation, parties will be granted an opportunity to review and comment, in writing, on any statements or evidence provided by the other party or any information independently developed by the Investigating Officer.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

## Resolution

At the conclusion of the investigation, the Investigating Officer will prepare a drafted written report that summarizes all information and facts. The drafted written report will explain the scope of the investigation, identify factual findings, and state whether any allegations in the complaint were found to be substantiated by ~~clear and convincing~~ **the preponderance of** evidence. Both parties will be provided a copy of the drafted written report and allowed to respond, in writing, to the written investigation report.

After reviewing and considering the parties' written comments, if any, the Investigating Officer will finalize the investigation report, making adjustments to it if deemed necessary. If the final written report determines that sexual misconduct occurred, the Investigating Officer shall set forth in an addendum to the written report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College community. Such sanctions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the occurrence of discrimination, harassment, and retaliation. Examples of such sanctions include no-contact orders, classroom reassignment, the provision of counseling or other support services, and training. It also includes discipline for the respondent, including warning, final warning, suspension, dismissal, or other appropriate institutional sanctions.

The final written report and any addendum will be given to the complainant, the respondent, and the Title IX Coordinator within three (3) days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act ("FERPA"), and the Clery Act.

The final written report of the Investigating Officer shall be final subject only to the right of appeal set forth below.

### Special Procedure Concerning Complaints Against the President, the Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator

If a complaint involves alleged conduct on the part of the College's President, the College's Board of Trustees will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Trustees will prepare and issue the written report determining the complaint. The determination of the Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the College's President will designate the Investigating Officer. Based on the information gathered during the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

## **IV. Appeals/Grievance Process**

Either the complainant or the respondent may file an appeal if there is disagreement with the results and conclusion of the investigation. An appeal must be filed in writing and will proceed in accordance with the College's judicial process, found in College Student Handbook.

### Grounds for Appeal

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision;

- There was a procedural error significant enough to call the outcome into question;
- There was a clear error in factual findings;
- Bias or prejudice on the part of the Investigating Officer; or
- The punishment or the corrective action imposed is disproportionate to the offense.

#### Method of Appeal

Appeals must be filed with the President (“Appellate Officer”) within ten (10) days of receipt of the written report determining the complaint. The appeal must be in writing and contain the following:

- Name of the complainant;
- Name of the respondent;
- A statement of the determination of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

The appellant may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer’s discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

#### Resolution of the Appeal

The Appellate Officer will resolve the appeal in approximately fifteen (15) days of receiving it and may take any and all actions that the Appellate Officer determines to be in the interest of a fair and just decision, including conducting additional interviews or new interviews of material witnesses. The decision of the Appellate Officer is final. The Appellate Officer shall issue a short and plain written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination. The written statement shall be provided to the complainant, the respondent, and the Title IX Coordinator in approximately three (3) days of the resolution.

#### **V. Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator, and the Appellate Officer are responsible for maintaining documentation regarding the investigation and appeal, including documentation of all proceedings conducted under these Complaint Resolution Procedures, which may include written findings of fact, transcripts, and audio recordings.

#### **VI. Intersection with Other Procedures**

These Complaint Resolution Procedures are the exclusive means of resolving complaints alleging violations of the Sexual Misconduct Policy. To the extent there are any inconsistencies between these Complaint Resolution Procedures and other College grievance, complaint, or discipline procedures, these Complaint Resolution Procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.