



**PROCEDURES**

<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.01.01
<b>CATEGORY</b> 2.01.01.00 Prohibition of Sexual Discrimination, Harassment and Interpersonal Misconduct (Non-Title IX Allegations)	<b>DATE</b> Adopted: 8/2016 Revised: 10/2020

The administration reserves the right to amend or otherwise revise this document as necessary to reflect future changes made to its procedures. You are responsible for reviewing this procedure periodically to ensure continued compliance with all Board policies and institution procedures.

2.01.01.00      **PROHIBITION OF SEXUAL DISCRIMINATION, HARASSMENT AND MISCONDUCT (NON-TITLE IX ALLEGATIONS)**

**I. Purpose**

Joliet Junior College is committed to maintaining an environment that is safe and free from discrimination, harassment and interpersonal misconduct on the basis of sex, which includes sexual orientation or gender-related identity. The College has adopted these Procedures in conjunction with the Board Policy 2.01.01 Prohibition of Sexual Discrimination, Harassment, and Interpersonal Misconduct (Non-Title IX Allegations), as well as in accordance with Board Policy 2.01.16 Prohibition of Sexual Discrimination and Sexual Harassment (Title IX Allegations). The College prohibits sexual harassment, sexual assault, sexual misconduct, stalking and relationship/dating violence whether committed by a student against another student, a student against a staff member, or a staff member against a student.

The purpose of this procedure is to implement Board Policy 2.01.01 to ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with:

- Reports that do not meet the criteria for investigation under Title IX of the Education Amendments of 1972 (referred to hereafter as “Title IX”);
- Relevant sections of the federal Violence Against Women Reauthorization Act;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment;
- Relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity;
- *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, 20 U.S.C. 1092(f) (“Clery Act”), which requires timely warning to the community of certain immediate threats;
- Relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender related identity and;



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- Shall serve as one part of the College’s “Comprehensive Policy Addressing the Prevention of Sexual Assault in Higher Education” as mandated by the Board of Higher Education Act 110 ILCS 205/9.21 (b) (1) through (10) as amended by the Preventing Sexual Assault in Higher Education Act (Public Act 099-0426).

A Title IX complaint includes complaints alleging sexual discrimination, sexual harassment and/or sexual misconduct as defined and addressed by Board Policy 2.01.16 Prohibition of Sexual Discrimination and Sexual Harassment (Title IX Allegations) and the related procedures and are not covered by this procedure. However, to maintain continuity in reporting, there will be references to the Title IX Coordinator and Deputy Title IX Coordinators as individuals who will also assist with non-Title IX reports.

For purposes of this Procedure and corresponding Policy, the term "sexual discrimination, harassment and interpersonal misconduct" will be used to refer to all possible violations covered by this document, including, but not limited to, reports of Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship and Dating Violence, and Stalking that do not meet the threshold of Title IX.

In an ongoing effort to address and reduce sexual discrimination, harassment and interpersonal misconduct (including both Title IX allegations and non-Title IX allegations), the College provides education and prevention programs; investigates all complaints of sexual discrimination, harassment and interpersonal misconduct through the appropriate processes; prohibits retaliation related to any complaint; dispenses corrective or disciplinary action where appropriate; provides information on obtaining appropriate counseling and medical care; and provides complainants with information on pursuing criminal or other legal action.

**II. Jurisdiction**

This Procedure applies to students, faculty, staff, appointees, or third-parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

- A. On College property; or
- B. Off College property if:
  1. The conduct was in connection with a College or College-recognized program or activity; or
  2. The conduct may have the effect of creating a hostile environment for a member of the College community.



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**III. Prohibited Acts**

Every member of the College community is prohibited from:

- B.** Engaging in sexual assault misconduct, violence, discrimination, stalking, or relationship violence including those defined as Title IX and non-Title IX;
- C.** Retaliating in any manner against an individual who reports an incident of sexual discrimination, harassment and interpersonal misconduct;
- D.** Interfering with procedures to investigate or redress a complaint of an incident of sexual discrimination, harassment and interpersonal misconduct;
- E.** Making an intentionally false accusation of an incident of sexual discrimination, harassment and interpersonal misconduct through the College's procedures.

**IV. Scope**

This Procedure governs sexual discrimination, harassment and/or interpersonal misconduct involving:

- A.** A student victim and/or complainant and a student respondent;
- B.** A student victim and/or complainant and an employee or third-party respondent;
- C.** An employee victim and/or complainant and a student respondent; and
- D.** A third-party victim and/or complainant and a student respondent.

Sexual discrimination, harassment and/or interpersonal misconduct which solely involve employees and/or third-parties are not governed by this Procedure. For procedures governing sexual discrimination, harassment and/or interpersonal misconduct which solely involve employees, please contact the Department of Human Resources. In addition, allegations that are addressed under Board Policy 2.01.16 Prohibition of Sexual Discrimination and Sexual Harassment (Title IX Allegations) are not covered by this procedure.

**V. Inquiries**

Inquiries concerning the application of this Procedure may be referred to one or all the following:

- Title IX Coordinator, Dr. Tracy Morris, Compliance Officer at (815)280-2704 or [tmorris@jjc.edu](mailto:tmorris@jjc.edu)
- Deputy Title IX Coordinator, Cyndi Vasquez-Barrios, Dean of Students at (815) 280-2309 or [cyvasque@jjc.edu](mailto:cyvasque@jjc.edu)
- [Deputy Title IX Coordinator, Judy Connelly, Director, Human Resources at \(815\) 280-2265 or](#)



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[jconnell@jjc.edu](mailto:jconnell@jjc.edu)

- [Deputy Title IX Coordinator, Dr. Mary Beth Luna, Professor and Department Chair, Nursing at \(815\) 280-2605 or mluna@jjc.edu](#)

**VI. Definitions**

- A. Sex Discrimination:** For the purposes of this policy, sexual discrimination has an expanded definition from sexual discrimination as defined by Title IX. Sex discrimination includes any behavior or communication that improperly singles out, stigmatizes, victimizes, or otherwise subjects an individual to unequal treatment to his or her detriment on the basis of his/her sex, gender identity, or failure to conform to stereotypical notions of masculinity or femininity. Sex discrimination includes, but is not limited to, verbal abuse, sexual harassment, sexual violence, and other acts of sexual misconduct. Sexual harassment of students, including sexual violence, interferes with a student's right to receive an education free from discrimination and, in the case of sexual violence, dating/relationship violence and stalking, are crimes.
- B. Sexual Harassment:** For the purposes of this policy, sexual harassment has an expanded definition from sexual harassment as defined by Title IX. Sexual harassment in this procedure includes unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts that an individual did not request or invite and that are regarded as undesirable or offensive when:
- Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile or offensive educational or working environment; or
  - Such conduct denies or limits a student's ability to participate in or receive the benefits, services or opportunities of JJC's programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature include:

- Verbal: Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats.
- Non-Verbal: Sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.
- Physical: Nonconsensual touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.

**C. Non-Consensual Sexual Intercourse:** includes any intentional or knowing contact, however



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slight, between the sex organ, mouth or anus of one person, by the sex organ, mouth, or anus of another person or the intrusion however slight of any body part including a finger(s), animal, or foreign object into the sex organ, anus or mouth of another by force or threat of force; intimidation; without the consent of the victim; or when the victim is unable to give consent due to age, diminished mental capacity, being asleep or unconscious or intoxication.

- D. Other Interpersonal Misconduct:** includes sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking that does not meet the threshold as defined by Title IX.
- E. Sexual Exploitation:** Occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Sexual exploitation includes invasion of sexual privacy, prostituting another individual, non-consensual video, photographing, or audio taping of sexual activity, going beyond the boundaries of consent, engaging in voyeurism, knowingly transmitting an STI or HIV to another individual, exposing one's genitals in non-consensual circumstances, inducing another to expose their genitals.
- F. Sexual Violence:** Physical sexual acts perpetuated against a person's will or where a person is incapable of giving consent (e.g. due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion.
- G. Dating/Relationship Violence:** The term dating violence means violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Dating Violence can include, but is not limited to:

- Physical violence: hitting, slapping, pushing, kicking, biting, pinching, holding or restraining, choking, or burning;
- Sexual Violence: forcing sex or specific sexual acts or behaviors or rape;
- Intimidation: breaking items, throwing things, or hurting animals;
- Threats and coercion: suicidal threats, threats of violence, threats to report the victim for misconduct or destroy their reputation and social connections, or coercion under threats to make the victim do things they normally would not and use those activities



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as further threats, threats against individual’s family, friends, or children;

- Isolation: keeping victim away from friends and family, monitoring and/or limiting phone calls, texts, emails, Facebook or other forms of communication, monitoring interactions and activities throughout the day, not allowing participation in activities or hobbies, or using jealousy as an excuse for all of these behaviors;
- Emotional abuse: name calling, put downs in front of others, humiliating and degrading victim through words and behaviors, or requiring victim to look or dress a certain way;
- Minimizing, blaming and denying the controlling behavior and abuse: blaming the victim for the abusive behavior, defining the abusive behavior as loving behavior, or describing the abusive behavior as normal;
- Use of privilege: use of privilege and social roles to justify behavior, use status as a citizen, certain religious faith, race, ethnicity, sexual orientation, economic situation, or other privilege of status to threaten, coerce or justify behavior;
- For same-sex partners: "outing" or the threat of "outing" can be a strong element of control.

**H. Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Illinois.

**I. Stalking:** Knowingly and without justification follows or surveils another on at least 2 separate occasions and threatens or places in reasonable apprehension; stalking occurs when he or she knowingly engages in a course of conduct directed at a specific person and knows or should know that the conduct would cause a reasonable person to fear for their own safety or the safety of another person, or suffers emotional distress, defined as "significant mental suffering, anxiety or alarm. Stalking in conjunction with causing bodily harm, confining or restraining a person or violating court order or injunction is also prohibited.

Examples of stalking include, but are not limited to (includes third-party contact):

- Following, monitoring, observing, or surveilling a person;
- Appearing at a person’s home, place of business, or classroom;



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- Threatening or communicating to a person or about a person;
- Making harassing phone calls to a person;
- Mailing written messages, or sending electronic messages/photos;
- Leaving messages or objects at person’s home, place of business, vehicle, or classroom; and/or
- Interfering with or damages personal property, including pets.

Stalking includes **cyberstalking**. **Cyberstalking** is to knowingly use *electronic communication*, including, without limitation, the creation and maintenance of an internet website or webpage for at least 24 hours which is accessible to one or more third parties, e-mail communication, and posting messages on a third party’s internet website or webpage, to engage in any of the following conduct: 1) transmit a threat of immediate or future bodily harm, sexual assault, confinement or restraint to a specific person or a family member of that person; 2) place a specific person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or 3) knowingly solicit a third party to transmit a threat of immediate or future bodily harm, sexual assault, confinement or restraint to a specific person or a family member of that person in violation of JJC’s Title IX Policy and Procedure.

- J. Retaliation:** Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or interpersonal misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College’s 2.2.6 Policy and Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the allegations of sexual discrimination, harassment or interpersonal misconduct.
- K. Hostile Environment:** A hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual’s ability to participate in or receive the benefits, services or opportunities of the College’s educational programs or activities or the individual’s employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim’s position, considering all the circumstances.
- L. Incapacitation:** When a person is incapable of giving consent due to the person’s age, use of drugs or alcohol, or because an intellectual or other disability which prevents the person from



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having the capacity to give consent.

**M. Intimidation:** To make timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College Policy and Procedures.

**N. Threat:** Any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.

**O. Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual contact/activity.

- Consent to any one form of sexual contact/activity cannot automatically imply consent to any other form of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give consent, one must be of legal age.
- Sexual contact/activity with someone who one should know to be or reasonably should have known to be mentally or physically incapacitated (by alcohol or other drugs, unconsciousness, sleep, or blackout), violate this policy.
- Consent may be withdrawn at any time.

**P. Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

**Q. Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it 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. This can include coercion by supervisory, instructional, or disciplinary authority.

**VII. Administration**

**a. Title IX Coordinator and Deputy Title IX Coordinators:**

The College shall appoint a Title IX Coordinator and a minimum of two Deputy Title IX Coordinators to partner with the Title IX Coordinator with respect to any Title IX or non-Title IX complaints. Responsibilities of the Title IX Coordinator and Deputy Title IX Coordinators related to this procedure include:



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- i. Overseeing the College’s response to all non-Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. While both the Title IX Coordinator and Deputy Coordinators will collaborate in the investigation of Title IX and non-Title IX complaints, the Title IX Coordinator maintains ultimate oversight of said investigations.
- ii. Being informed of all reports and complaints raising Title IX and non-Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- iii. Ensuring that adequate training is provided to students, faculty and staff on Title IX issues and directing individuals to the appropriate process based on the allegations.
- iv. Conducting investigations, including investigating facts relative to a complaint and recommending appropriate sanctions and remedies. With respect to allegations that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will, in conjunction with the Deputy IX Coordinator affiliated with the Department of Human Resources, partner with the Department of Human Resources.
- v. Determining appropriate interim measures for a victim and/or complainant upon learning of a report or complaint.
- vi. Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- vii. Promoting an educational and employment environment which is free of sexual discrimination and gender bias.

**VIII. Assurances**

A complaint of sexual discrimination, harassment or interpersonal misconduct filed with the Title IX Coordinator or Deputy Title IX Coordinator will be promptly investigated by the College to determine what occurred. Title IX allegations will be addressed through Board Policy 2.01.16 Prohibition of Sexual Discrimination and Sexual Harassment (Title IX Allegations). The parties have the right to a prompt, fair and impartial investigation of complaints by trained officials.

During the process of investigation and/or Code of Conduct process, the rights of both parties will be respected.

**IX. Retaliation**



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JJC strictly prohibits any retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual and/or interpersonal misconduct. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual will be addressed in the most serious way by JJC, and individuals who engage in such actions are subject to disciplinary action that may include suspension, exclusion, or dismissal from the college. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual and/or interpersonal misconduct should report such concerns to the Title IX Coordinator or to any Deputy Coordinator, who shall take appropriate actions to address such conduct in a prompt and equitable manner.

**X. Release of Information**

Pursuant to the Clery Act, timely warnings must be issued to the campus community if the reported student is believed to pose a substantial threat of bodily harm or danger to members of the community. The victim's name and other identifying information will not be disclosed, but there will be enough information for students, faculty, and staff to make personal decisions for their own safety,

In cases in which the reported student is believed to pose no substantial threat of bodily harm or danger, the Clery Act also requires the College to report statistical information regarding the type of incident and the general location for publication in the Annual Campus Security Report. No further information regarding the victim or the incident may be related to the campus community in these cases. The Annual Campus Security Report can be found here <http://www.jjc.edu/about/operational/campuspolice/Pages/campus-safety-security-booklet.aspx>. All documentation regarding a formal report of sexual discrimination, harassment, and interpersonal misconduct by students will be kept on file in the Dean of Students' Office for a minimum of 7 (seven) years.

**XI. Prevention and Education for Students and Staff**

The College will review on an ongoing basis, its sexual discrimination, harassment and interpersonal misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment and interpersonal misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics.



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**XII. Training**

The Title IX Coordinator, College Police, victim advocates, and anyone else involved in responding to, investigating or adjudicating sexual discrimination, harassment and interpersonal misconduct incidents receive education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics. The College will annually review its training offerings to identify ways in which to enhance its effectiveness.

**XIII. Resources**

JJC is committed to providing resources to individuals involved in allegations related to sexual discrimination, harassment and interpersonal misconduct. Information included on the JJC Title IX website ([www.jjc.edu/TitleIX](http://www.jjc.edu/TitleIX)) includes but is not limited to the following:

- Victim Notification of Rights and Resources
- Notification of Rights to Individuals Responding to Charges Related to Sexual Violence
- JJC and Community Resources, including medical facilities
- Title IX policies and procedures
- Options for reporting, including anonymous reporting
- Complete listing of Title IX Coordinators and Deputy Coordinators