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| <b>DIVISION</b><br>II College Employees   | <b>ADOPTION DATE</b><br>10/2020      |
| <b>PROCEDURE NAME</b><br>02.01.01.01 Reporting and Resolving Non-Title IX Allegations | <b>REVISIONS</b><br>Revised: 09/2021 |

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

02.01.01.01      REPORTING AND RESOLVING NON-TITLE IX ALLEGATIONS

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 and 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 2.01.19 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. For purposes of this procedure, the individual who reports an issue (also identified as a victim/complainant) will be referred to as the **Reporting Party** and the individual who has the report against them (also identified as the alleged or accused individual) will be referred to as the **Responding Party**.

**Process to Report and Resolve Allegations of Sexual Discrimination, Misconduct and Harassment**

The College strongly encourages individuals who have experienced sexual discrimination, harassment and/or interpersonal misconduct, including sexual violence, to talk to somebody about what happened so that individuals can get the support they need and so that the College can respond appropriately in a prompt and timely manner. Reporting Parties are strongly encouraged to file a report identifying the accused individual and describing the conduct, incident(s) or occurrence(s) that form the basis for the claim. Individuals are strongly encouraged to file the report as soon as possible after the incident to ensure a prompt and effective remedy. It is preferred that the report be in

writing, signed by the Reporting Party and include the contact information for the Reporting Party. However, the College will process the report regardless of whether it is in writing. The Title IX Coordinator, in conjunction with the appropriate Deputy Title IX Coordinator, will determine if the report is Title IX or if it will be addressed through this procedure. If the report is classified as a Title IX complaint, it will be directed to that process in accordance with Board Policy 2.01.19 Prohibition of Sexual Discrimination and Sexual Harassment (Title IX Allegations) and the related procedure.

Sexual discrimination, harassment and/or interpersonal misconduct which involve students will include the Office of Student Rights and Responsibilities. Cases which involve employees will include the Department of Human Resources.

Different employees on campus have different abilities to maintain a Reporting Party's confidentiality:

#### **A. Privileged and Confidential Communications**

**Professional Counselors.** Professional, licensed counselors who provide mental-health counseling to students (including those counselors who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a Reporting Party's permission. These individuals are referred to as confidential advisors. Campus Student Wellness Advocates are available to help students free of charge, and can be seen on an emergency basis. If one desires that the details of the incident report be kept confidential, they should speak to an on-campus mental health counselor.

Contact information for on-campus support (for students) is as follows:

Student Wellness Advocate Program  
A-1100 (815) 280-2936

Employees may access the Employee Assistance Program (EAP), which can be found on the JJC Portal. All individuals may also contact an off-campus rape crisis resources who can maintain confidentiality. Resources are provided at [www.jjc.edu/Title-IX](http://www.jjc.edu/Title-IX).

#### **B. Non-Privileged Communication**

- **Anonymous Reports.** You may also choose to **file an anonymous report** by calling the **JJC Sexual Misconduct Hotline** at **(815) 280-2888**, available 24 hours a day or go to <https://publicdocs.maxient.com/incidentreport.php?JolietJuniorCollege> where you can file an anonymous online report.
- **Non-Professional Counselors and Advocates.** College employees, including front desk staff and students, can generally talk to a Reporting Party without revealing any personally identifying information about an incident to the College. A Reporting Party can seek assistance and support from these individuals without triggering a College investigation that could reveal the Reporting Party's identity or

that the Reporting Party has disclosed the incident.

While maintaining a Reporting Party's confidentiality, these individuals or their office may be required to report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the Reporting Party – helps keep the Title IX Coordinator informed of the general extent and nature of sexual discrimination, harassment and interpersonal misconduct on and off campus so the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

A Reporting Party who speaks to a professional or non-professional counselor or advocate must understand that, if the Reporting Party wants to maintain confidentiality, the College's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged individual(s) may be diminished.

Even so, these counselors and advocates will still assist the Reporting Party in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A Reporting Party who at first requests confidentiality may later decide to file a report with the College or to law enforcement, and thus will have the incident fully investigated. These counselors and advocates will provide the Reporting Party with assistance if the Reporting Party wishes to do so.

Note: While these counselors and advocates may maintain a Reporting Party's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law or federal law. Any College employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that the alleged individual(s) pose a serious and immediate threat to the College community, College Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the Reporting Party.

### **C. Reporting for Clery Campus Security Authorities (CSAs)**

For the purpose of reporting a Clery Mandated Crime, a Campus Security Authority (CSA) is defined as:

- Members of the Campus Police Department
- College official with significant responsibility for student and campus activities,

including discipline and conduct proceedings, and;

- Employee who has authority and a duty to take action or respond to issues on behalf of the College. CSAs receiving any report of a Clery mandated crime are required to complete an incident report form and submit it to the College's Campus Police Department.

*In cases that require immediate responses/intervention to prevent imminent harm to the Reporting Party or others, contact the College's Campus Police Department immediately. For less urgent situations complete the form and submit to campus police within 12 hours of report.*

For clarity and consistency, the College has deemed the following as Campus Security Authorities (CSA):

- College Administrators (includes President, Vice-Presidents, Executive Directors, Deans, and Directors)
- Title IX Coordinator and Deputy Title IX Coordinators
- Coordinators, Managers (includes Extended Campus Coordinators and Managers)
- Faculty Department Chairs
- Academic Advisors
- Faculty (that advise a student club or organization or and academically advise)
- Faculty teaching at satellite campuses who are the only representative of the College onsite
- Staff (that advise a student club or organization)
- Faculty & Staff involved with overnight student travel
- Student Development Staff (excluding clerical staff)
- Human Resources Staff (excluding clerical staff)
- Student Employee Supervisors (with supervisory responsibility over student staff)
- Campus Police - All Staff
- Athletics All Staff
- Student Activities All Staff
- Anyone given the authority by the Title IX Coordinator
- Professional Counselors (with exceptions)
  1. When providing mental health counseling and functioning within the scope of their license or certification
  2. An individual that has dual roles, one being a professional counselor and the other which qualifies them as a CSA, AND THE ROLES CANNOT BE SEPERATED, the individual is considered a CSA and is obligated to report the incident.

#### **D. Formal Reports to Title IX Officials**

Although offenses in this procedure and the related policy are not governed by Title IX, these individuals provide oversight and guidance on both Title IX and Non-Title IX issues. Reports may be submitted to:

- 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 [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](mailto:mluna@jjc.edu)

#### **E. Reports to Law Enforcement**

Reports of crimes may be filed with law enforcement with or without the assistance or notifying the Title IX Coordinator or Deputy Coordinators. The College will assist any individual with filing a report with campus police or law enforcement agency. The Title IX Coordinator or Deputy Coordinator(s) will communicate reports of Title IX and non-Title IX incidents to campus police or the appropriate law enforcement agency when requested to do so by Reporting Party. As required by law, reports shall be made to law enforcement and Department of Children and Family Services when the Reporting Party is a minor.

The Title IX Coordinator or Deputy Coordinator, in consultation with Campus Police and other appropriate campus officials, shall analyze each report of Title IX and non-Title IX incidents to determine if a health or safety emergency as defined by state and federal law warrants disclosure of information relating to the report. In such case, information relating to the report will be disclosed to the appropriate persons including campus police or appropriate law enforcement personnel. Although offenses in this procedure and the related policy are not governed by Title IX, these individuals provide oversight and guidance on both Title IX and Non-Title IX issues.

Timely warnings or emergency notifications issued by campus police under the Clery Act related to Title IX and non-Title IX incidents shall also be sent to appropriate law enforcement agencies when deemed necessary.

Contact information for the JJC Joliet Junior College Police Department is (815) 280-2234 or in-person in G-1013

#### **F. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct**

In addition to the reporting requirements for an employee who does not have confidential communication as described in Section A, all College employees who have information regarding sexual discrimination, harassment and/or interpersonal misconduct of a student or another employee are strongly encouraged to report it to the Title IX Coordinator or any Deputy Title IX Coordinator. Although offenses in this procedure and the related policy are

not governed by Title IX, these individuals provide oversight and guidance on both Title IX and Non-Title IX issues.

#### Individual Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond

If a Reporting Party discloses an incident to an employee who is not a confidential advisor but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students and employees, including the Reporting Party.

If the College honors the request for confidentiality, a Reporting Party must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged individual(s) may be diminished.

There may be times when the College is not able to honor a Reporting Party's request in order to provide a safe, non-discriminatory environment for all students and employees. The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator
- Deputy Title IX Coordinators

*Note: Although offenses in this procedure and the related policy are not governed by Title IX, these individuals provide oversight and guidance on both Title IX and Non-Title IX issues.*

When weighing a Reporting Party's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- i. The increased risk that the alleged individual(s) will commit additional acts of sexual discrimination, harassment or interpersonal misconduct, such as:
- ii. Whether there have been other sexual discrimination reports about the same alleged individual;
- iii. Whether the alleged individual has a history of arrests or records from a prior school indicating a history of misconduct or violence;
- iv. Whether the alleged individual threatened further sexual discrimination or violence against the Reporting Party or others;
- v. Whether the sexual discrimination was committed by multiple individuals;
- vi. Whether the sexual discrimination, harassment or interpersonal misconduct was perpetrated with a weapon;
- vii. Whether the Reporting Party is a minor;
- viii. Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or interpersonal misconduct (e.g., security cameras or physical evidence); and
- ix. Whether the Reporting Party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the Reporting Party's request for confidentiality.

**If the College determines that it cannot maintain a Reporting Party's confidentiality,** the College will inform the Reporting Party at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the College's response. The College will also take immediate action as necessary to protect and assist the Reporting Party.

**If the College determines that it can respect a Reporting Party's request for confidentiality,** the College will also take immediate action as necessary to protect and assist the Reporting Party.

If a Reporting Party's request for confidentiality limits the College's ability to formally investigate a particular allegation, the College may take steps to limit the effects of the alleged sexual discrimination, harassment and/or interpersonal misconduct and prevent its recurrence without initiating formal action against the alleged individual or revealing the identity of the Reporting Party. Such action may include, but is not limited to:

1. Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
2. Providing training and education materials for students and employees;
3. Revising and publicizing the College's policies regarding sexual discrimination, harassment and interpersonal misconduct; and
4. Conducting climate surveys regarding sexual misconduct.

#### **Waiver of Conduct Charges for Sexual Misconduct Reporting Parties and Witnesses (Students Only)**

The College strongly encourages reporting of sexual and/or interpersonal misconduct and seeks to remove any barriers to an individual/group making a report. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. A student who reports sexual and/or interpersonal misconduct, either as a Reporting Party or a third party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs during the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs.

The waiver will not be extended for any violations of College policy other than alcohol/drug use. In addition, the waiver does not preclude or prevent action by police or other legal authorities. The waiver of misconduct will not be extended to an intentionally false report of sexual discrimination, interpersonal misconduct or harassment. Employee discipline is governed by Board Policy and applicable collective bargaining agreements.

### **Interim Measures**

During the course of an investigation, the College will remain ever mindful of the well-being of all involved parties, and will take ongoing steps to protect the Reporting Party from retaliation or harm and to create a safety plan, if needed. Interim measures will also be provided to the Responding Party as appropriate. Retaliation, whether by students or College employees, will not be tolerated. The College will also:

1. Assist the Reporting Party in accessing other available Reporting Party advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;
2. Provide other security and support, which could include the College obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged individual(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
3. Inform the Reporting Party of the right to report a crime to campus or law enforcement – and provide the Reporting Party with assistance if the Reporting Party wishes to do so.

The College may not require a Reporting Party to participate in an investigation or in disciplinary proceedings.

Because the College is under a continuing obligation to address the issue of sexual discrimination, harassment and interpersonal misconduct campus-wide, reports of such incidents (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

### **Resolving Allegations**

In cases where an allegation involves an employee, the Human Resources Department (including the Deputy Title IX Coordinator in that area or designee) will be critical to the process and the communication with the employee. Human Resources will assist with aligning processes to the appropriate procedures and any applicable collective bargaining agreements.

In cases where an allegation involves a student, the Office of Student Rights and Responsibilities (including Deputy Title IX Coordinator in that area or designee) will be critical to the process and the communication with the student. The Office of Student Rights and Responsibilities will assist with aligning processes to the appropriate procedures and the Student Code of Conduct. In cases that involve both a student and an employee, both offices will be involved.

#### **A. Preliminary Investigation**

Upon receipt of a report of sexual discrimination, harassment and/or interpersonal misconduct, including sexual violence, the Title IX Coordinator, Deputy Title IX

Coordinator, and/or a designee will promptly complete a preliminary investigation of the allegation(s) and provide appropriate support and consultation for the Reporting Party. Reporting Parties will be informed about campus and community resources, including counseling and other health services and will be notified of their right to file a report with the Joliet Junior College Police Department or local law enforcement agencies. The Title IX Coordinator, in conjunction with the appropriate Deputy Title IX Coordinator, will determine whether formal investigation is warranted. The Responding Party accused of violating the College's policies will be notified.

If no reasonable grounds for the report are found, the Title IX Coordinator or appropriate Title IX Coordinator will dismiss the case. The Reporting Party will be informed why the act does not constitute a violation of the policy, procedure, Student Code of Conduct or Employee Handbook.

The parties may elect to participate in a voluntary informal resolution process at any time prior to a final determination regarding responsibility, in alignment with Institutional Procedures. The informal resolution process, as defined in 2.01.01.03, is an alternative dispute resolution endeavor led by a trained facilitator within the College. The informal resolution process allows parties to discuss, negotiate, and potentially resolve the formal complaint on their own terms, with the assistance of the facilitator. Any time prior to agreeing to a resolution, the parties have the right to withdraw from the informal process and resume the formal grievance process.

If the parties do not reach a mutually acceptable agreement, then the College will resume the grievance process with respect to the formal complaint. The informal resolution facilitator may not serve as a witness in the subsequent formal grievance process.

## **B. Formal Investigation**

- 1. Initiation of Investigation and Interim Measures:** When an individual reports a student or employee of sexual discrimination, harassment or interpersonal misconduct, and if reasonable grounds appear to exist, the Title IX Coordinator or Deputy Title IX Coordinator will first determine if any interim measures are needed while the investigation proceeds. Interim measures may include, but are not limited to:
  - Imposing an interim suspension or interim removal from a class or location (in limited cases when there is determined to be the potential for imminent danger to the health or safety of an individual or the campus);
  - Issuing a no-contact order between parties;
  - Providing an escort to ensure that the parties can move safely between classes and activities;
  - Ensuring that parties do not attend the same classes; and
  - Arranging for either party or both parties to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the individual's academic record.

When an individual accuses an employee of a sexual discrimination, harassment or interpersonal misconduct, the Title IX Coordinator or Human Resources Deputy Title IX Coordinator or designee will conduct an investigation consistent with this procedure as well as applicable College personnel policies and collective bargaining agreements.

For any type of report of sexual discrimination, harassment or interpersonal misconduct, whether student-student, student-employee or employee-student, a two-person team will complete the investigation, which will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the investigation of a report will attempt to be completed within 60 calendar days from the time a report is submitted. This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability of witnesses.

The College's investigative process is not a legal process and is not a substitute for making formal legal charges to the police. If civil suit and/or criminal charges are filed, the College reserves the right to conduct its own investigation and proceedings regardless of the status or resolution of any civil or criminal litigation. The College will protect the privacy of participating parties and witnesses to the extent allowed by law. Both parties will receive notice of the process, including the information related to the individual who will have the authority to make a finding or impose a sanction in advance of their contact with the party. Either party will have the opportunity to request a substitution for this individual if there is a possible conflict of interest.

## **2. Notice to Respondent:**

Within 10 business days of receipt of a report, the Responding Party will be given written notice of the charges.

The Responding Party will be advised of the nature of the evidence related to the allegation unless release of the evidence would endanger the health or safety of Reporting Party(s) or witness(es) or the College community.

## **3. Due Process Rights**

The Reporting Party and Responding Party will each be afforded the right to present information and witnesses relevant to their case.

When the Reporting Party or Responding Party is requested to appear at an investigatory meeting or proceeding related to a report, he or she may be accompanied by an advisor, as defined in Section I of this procedure.

If the Responding Party is a College employee, then any employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

- 4. Evidence Considered:** Investigators will interview and receive evidence from the Reporting Party, Responding Party and any witnesses identified during the course of the investigation. The Reporting Party's prior sexual history will not be considered during the investigation or any proceeding related to a report. Both parties may present witnesses on their behalf. Parties may not cross-examine each other during this process but may be allowed to provide questions to be asked by the investigator or hearing chair during the process. Either party may not be required to testify in the presence of the other party. If one party invokes this right, electronic methods will be used so that the party can, at minimum, hear the other party's testimony.
- 5. Preservation of Evidence:** Any evidence gathered by the investigator will be preserved by the appropriate office investigating the allegations.
- 6. Report of Investigation:** At the conclusion of the investigation, the investigator will prepare a thorough report outlining the: complaint, investigation conducted and all relevant evidence obtained; investigator's conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for sanctions or other remedial action as appropriate. The investigator will submit his/her report to the Title IX Coordinator or appropriate Deputy Title IX Coordinator, as appropriate.
- 7. Determination Based Upon Preponderance of the Evidence:** The determination of violations shall be made based on the preponderance of evidence, meaning whether it is more likely than not that this policy was violated.
- 8. Notice to Responding Parties:** The Title IX Coordinator or appropriate Deputy Title IX Coordinator will notify the Responding Party via trackable email or certified mail, return receipt requested, of his/her determination within 7 business days after receipt of the investigator's report. For employee Responding Parties, the Department of Human Resources will follow its obligation under College Policies and Collective Bargaining Agreements in providing employees with notice of the College's determination.

If the Title IX Coordinator or appropriate Deputy Title IX Coordinator determines that the Responding Party has violated the College's prohibition of sexual discrimination, harassment and/or interpersonal misconduct, this notification will also advise the Responding Party of any disciplinary sanctions and the right to appeal the determination and sanctions in accordance with the appropriate appeal procedures. The Title IX Coordinator and involved Deputy Title IX Coordinators shall be copied on all College correspondences and notices to both parties.
- 9. Notice to Reporting Party:** Concurrently with the notice provided to Responding Party, the Title IX Coordinator will notify the Reporting Party via trackable email or certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the Responding Party has violated the College's

prohibition of sexual discrimination, harassment and/or interpersonal misconduct, this notification will also advise the Reporting Party of:

- Any individual remedies offered or provided;
- Disciplinary sanctions imposed on the Responding Party that directly relate to the Reporting Party;
- In sexual violence cases only, any disciplinary sanctions imposed on the Responding Party;
- The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth below; and
- If the College determines that a hostile environment exists, it will inform the Reporting Party of steps it has taken to eliminate the hostile environment and to prevent recurrence.
- The Title IX Coordinator and all involved Title IX Coordinators shall be copied on all College correspondences and notices to the Reporting Party.

**10. Concurrent Criminal Investigation:** The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the College investigation be temporarily suspended. In such cases, the College will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the College until the criminal investigation is closed. Regardless whether authorities criminally prosecute individuals for engaging in any acts prohibited by this Procedure or related policy, JJC students or employees who violate this Procedure or related policy are subject to discipline by JJC in accordance with institutional policies and procedures, including the Student Code of Conduct, Employee Handbook, and applicable collective bargaining agreements.

### **C. Investigation Principles**

The College will assign a person(s) to conduct an investigation for each report. Each such person shall receive minimum of 8-10 hours of annual training on issues related to Domestic Violence, Dating Violence, Sexual Assault & Stalking and the College's complaint resolution procedures, in addition to other training required by JJC and by state and federal law.

The names(s) of the investigator(s) shall be provided to the Reporting Party and the Responding Party prior to the start of the investigation and each shall have the right to request a substitution if a conflict of interest exists. The investigation party(s) shall use a "preponderance of evidence" standard in making a finding.

Individuals who report incidents of sexual discrimination, harassment or interpersonal misconduct will receive an explanation of their rights in writing.

#### **D. Sanctions**

Upon the conclusion on an investigation and finding of responsibility, regardless of whether student or employee, the College may impose sanctions. Sanctions may include, but are not limited to, counseling, education, training and workshops, written warnings, directing the responsible parties to have no contact with the other, and the possibility of discipline, including and up to, suspension, termination or expulsion from the College. For additional disciplinary possibilities see the JJC's Code of Student Conduct or Employee Handbook and related collective bargaining agreements where applicable.

A student or employee charged with sexual discrimination, harassment and interpersonal misconduct may also be prosecuted through the criminal system. The College is not bound by any decision made by criminal justice authorities or by a court of law.

#### **E. Remedies**

If the College determines that discrimination, harassment, misconduct, or retaliation has occurred, the College shall also take appropriate corrective and remedial actions to prevent its recurrence and to remedy the discriminatory effects on the Reporting Parties and/or Responding Parties. Remedies may include, but are not limited to, no contact orders, counseling, change of academic schedules to ensure the Reporting Party and Responding Party are not enrolled in the same classes, providing an escort to ensure the Reporting Party/Reporting Party's safety on campus, reassessment of a student's work and grade received, etc.

#### **F. Appeal Procedures**

Either party who wishes to appeal the decision reached by the Title IX Coordinator and/or Deputy Title IX Coordinator has the right to appeal to the next level. The individual requesting the appeal must submit a written request for appeal to the Title IX Coordinator or next level designee. JJC will offer both parties an appeal from a determination regarding responsibility and from a dismissal of a formal complaint or allegation on the following basis (in accordance with Title IX regulations):

- Procedural irregularity
- Newly discovered evidence
- Conflict of interest or bias

The individual may also appeal, in accordance with 110 ILCS 155/25(b)(14) Preventing Sexual Violence in Higher Education Act, if the sanction is disproportionate with the violation.

#### **G. Rights of Reporting Parties and Responding Parties**

Both parties will receive written notification of their rights in writing and have an opportunity to a verbal explanation of the allegations as requested. These rights are in alignment with state and federal law. Employees, whether Reporting Parties or

Responding Parties, shall be afforded rights consistent with this Procedure, as well as any applicable College Policies and Collective Bargaining Agreements.

**H. Advisor**

Both parties are entitled to have an advisor/advocate/supporter (referred to hereafter as an advisor) present during any meetings regarding the process. An advisor is defined as a family member, peer, or staff/faculty member of the College. This advisor does not include legal counsel or an attorney at law. The advisor's function is to provide support to the individual. During meetings and hearings, the advisor may talk quietly with the individual or pass notes in a non-disruptive manner. The advisor may not, in any way, intervene in the meeting/hearing or address the investigator/ hearing panel.

The advisor cannot be someone who has a current formal role (e.g., academic advisor, coach, faculty member) with either party.