

# Augustana College Policy Against Sex Discrimination

## INTRODUCTION

Augustana College is committed to providing an educational and employment environment that is free from all forms of sex discrimination.

To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Augustana College has developed this Policy Against Sex Discrimination<sup>1</sup> (the Policy), Sex Discrimination Investigation and Resolution Procedures (Investigation and Resolution Procedures), and a Pregnancy and Related Conditions Policy (prohibiting discrimination due to pregnancy and related conditions, which is form of sex discrimination, and may be accessed at <https://www.augustana.edu/student-life/TitleIX>.

Together they outline the College's policies and procedures to provide for prompt, fair, and impartial resolution of allegations of sex discrimination, in all of its forms. These policies take into account the College's status as a private education institution of higher education and its unique mission and culture.

## NOTICE OF NONDISCRIMINATION

Augustana College is committed to complying with all federal, state, and local laws, regulations, and ordinances prohibiting sex discrimination in private post-secondary education institutions.

Augustana College prohibits discrimination on the basis of sex in its programs and activities. As defined by Title IX, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Augustana College does not discriminate in its admissions practices, employment practices, or in its educational programs or activities on the basis of sex, except as permitted by law. Augustana College also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process. Sex-based harassment, sexual assault, dating and domestic violence, stalking, and sexual exploitation are forms of sex discrimination which are prohibited under this Policy.

Augustana College will promptly and effectively address any such discrimination of which it has notice or knowledge of, as outlined in this Policy, using the resolution process described in the Investigation and Resolution Procedures.

## SCOPE AND JURISDICTION

This Policy applies to all faculty, staff, employees, students, and other individuals participating in or attempting to participate in Augustana College's program or activities. Guests and visitors of the College, including third parties such as contractors, consultants, and vendors doing business

---

<sup>1</sup> Based on the 2024 ATIXA Title IX Model Policy and Procedures (AMPP). ©2024 ATIXA. Used With Permission.

<sup>2</sup> Based on EIIA Model Policy developed by Novus Law Firm and Grand River Solutions

or providing services to the College, are also subject to this Policy when they are on campus or otherwise participating in College sponsored activities.

The College's ability to implement this Policy and the Investigation and Resolution Procedures against individuals who are not members of the College community is limited as detailed further in this Policy.

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Chief Title IX Coordinator and at <https://www.augustana.edu/student-life/TitleIX>.

This Policy applies to sex discrimination that occurs in the United States and within the College's education programs and activities, which is defined as locations, events, or circumstances in which the College exercises substantial control over both the individual accused of violating the Policy (the Respondent) and the context in which the conduct occurred, and/or misconduct occurring within any building owned or controlled by a College-recognized student organization.

This Policy may also pertain to instances in which the conduct occurred outside of the campus if the College determines that the off-campus conduct is within the jurisdiction of its disciplinary authority or affects a substantial College interest, including access to the educational program or activity, the safety and security of community members, legal compliance, and fulfilling its educational mission.

For disciplinary action to be issued under this Policy and the Investigation and Resolution Procedures, the Respondent must be a College faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the College community, the Chief Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report alleging criminal conduct.

When a party is participating in a dual enrollment program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the parties.

When the Respondent is enrolled in or employed by another institution, the Chief Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Chief Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sex discrimination or sex-based harassment in an externship,

study abroad program, or other environment external to Augustana College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

## **ONLINE HARASSMENT & MISCONDUCT**

Augustana College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities, or when they involve the use of the College networks, technology, or equipment.

## **PROHIBITED CONDUCT**

### **Sex Discrimination**

Except as permitted by Title IX, prohibited discrimination on the basis of sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Augustana College.

Sex Discrimination can take two primary forms:

- **Disparate Treatment Discrimination** is any differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
  - Excludes a person from participation in;
  - Denies a person the benefits of; or
  - Otherwise adversely affects a term or condition of a person's participation in an Augustana College program or activity.
- **Disparate Impact Discrimination** occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
  - Excludes a person from participation in;
  - Denies a person the benefits of; or
  - Otherwise adversely affects a term or condition of a person's participation in an Augustana College program or activity.

### **Sex-Based Harassment**

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex<sup>3</sup>, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

Under this Policy, prohibited Sex-based Harassment includes the following conduct:

---

<sup>3</sup> Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

- **Quid Pro Quo Harassment** occurs when an employee, agent, or other person authorized by Augustana College to provide an aid, benefit, or service under the College's education program or activity, explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- **Hostile Environment Harassment** is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Augustana College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - The degree to which the conduct affected the individual's ability to access the College's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in the College's education program or activity.

### Sexual Assault

Any sexual act<sup>4</sup> directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes:

- **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempted rape falls under this prohibition.
- **Fondling**—The touching of the private body parts (buttocks, groin, breasts) of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent is 17 in Illinois.

### Dating Violence

Violence<sup>5</sup> committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;

---

<sup>4</sup> Contact involving private body parts

<sup>5</sup> For purposes of this Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.

- o The type of relationship; and
- o The frequency of interaction between the persons involved in the relationship.

### **Domestic Violence**

Violence on the basis of sex committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Illinois, or a person similarly situated to a spouse of the victim<sup>6</sup>;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

### **Stalking**

Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

### **Sexual Exploitation**<sup>7</sup>

A person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during

---

<sup>6</sup> To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

<sup>7</sup> This offense is not classified under Title IX as "Sex-based Harassment," but is prohibited conduct under this Policy.

the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography

- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing). Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings

### **Retaliation**

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of behavior or conduct prohibited under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations.

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Adverse action does not include perceived or petty slights, or trivial annoyances.

It is not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **CONSENT, FORCE, AND INCAPACITATION**

As used in this Policy, the following definitions and understandings apply:

### **Consent**

Agreement to engage in sexual activity that is freely given, clear permission by word or action. A person may withdraw consent at any time. A person cannot consent if they are unable to understand the nature of the activity; if they are incapacitated due to alcohol, drugs or cognitive disability; asleep or unconscious; or underage.

- A person's lack of verbal or physical resistance or submission from threat/force does not constitute consent.
- A person's manner of dress does not constitute consent.
- A person's consent to past sexual activity does not constitute consent to future activity.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent is not implied by a current dating relationship or past sexual relations.
- Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions.

Going beyond the boundaries of consent is prohibited, as the behavior then becomes non-consensual. For example, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault<sup>8</sup>.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

### **Force**

The use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.>").

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want

---

<sup>8</sup> Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual.

to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

### **Incapacitation**

A state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

It is a possible defense to a policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

## **OTHER DEFINITIONS**

The following are definitions of terms used in this Policy and in the Investigation and Resolution Procedures:

### **Complainant**

Any individual who has reported being or is alleged to be impacted by sex discrimination prohibited by this policy, and who was participating in a College program or activity (or attempting to participate) at the time of the alleged misconduct.

### **Prohibited Conduct**

Sex discrimination, as defined and prohibited by this Policy.

### **Respondent**

An individual, or group of individuals such as a student organization, reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this Policy.

### **Third Party Reporter/Witness**

An individual who reports conduct that could constitute Prohibited Conduct under this Policy occurring between or directed towards individuals other than him/her/themselves.

### **Education Programs and Activities**

Refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residential life, dining services, performances, and community engagement and outreach



programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including any building owned or controlled by a student organization that is officially recognized by the College.

## **STANDARD OF PROOF**

Augustana College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent violated the Policy.

## **REPORTING SEX DISCRIMINATION**

Contact the Chief Title IX Coordinator or Deputy Title IX Coordinators with any questions about this Policy or to file a complaint of sex discrimination, including sexual harassment, sexual misconduct, or other interpersonal misconduct. The College's Chief Title IX Coordinator is Jennie Hemingway, who can be reached at 309-794-7313 or at [titleIX@augustana.edu](mailto:titleIX@augustana.edu). While Dr. Hemingway is the Chief Title IX Coordinator, all of the following individuals serve as Deputy Title IX Coordinators for the College and may be contacted with questions or receive complaints.

**Chief Title IX Coordinator:** Jennie Hemingway, Ph.D., Director of Access Compliance 309-794-7313. As Chief Title IX Coordinator, Jennie Hemingway is responsible for enforcement of Title IX at the College. She is responsible for outreach and education regarding the College's prohibition of sex discrimination, the process for addressing concerns of sex discrimination, and the forms of sex discrimination.

**Deputy Title IX Coordinator:** Mindy Zumdom, Director of Human Resources, 309-794-7452. As Deputy Title IX Coordinator, Mindy Zumdom and the Human Resources staff will handle reports of staff and administrative employee violations of the College's policy and will be responsible for employee training regarding the College's prohibition of sex discrimination and the process for addressing concerns of sex discrimination.

**Deputy Title IX Coordinator:** Chris Beyer, Director of Residential Life, 309-794-2686. As a Deputy Title IX Coordinator, Chris Beyer is primarily responsible for organizing student training required under Title IX.

**Deputy Title IX Coordinator:** Laura Schnack, Associate Dean of Students, 309-794-7533. As a Deputy Title IX Coordinator, Laura Schnack coordinates with the Chief Title IX Coordinator when a student has reported or is accused of violating the College's policy.

**Deputy Title IX Coordinator:** Greg Domski, PhD, Associate Dean of Academic Strategic Priorities, 309-794-3482. Greg Domski coordinates with the Chief Title IX Coordinator when a faculty member has reported or is accused of violating the College's policy.

**Deputy Title IX Coordinator:** Chad Gunnelson, Director of Track & Field/Cross Country, 608-658-6538. As a Deputy Title IX Coordinator, Chad Gunnelson coordinates with the Chief Title IX Coordinator regarding athletic compliance with Title IX and NCAA policies.

In addition to the Title IX Coordinator/Deputy Coordinators, the Chief of Police & Public Safety, Tom Phillis, 309-794-7711 can receive a complaint of a violation of this Policy. Chief Phillis will also assist with reporting incidents to the Rock Island Police Department and oversees the investigation of student complaints under this Policy.

Any person may report sex discrimination. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Chief Title IX Coordinator/Deputy Coordinators receiving the report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

### **Campus Conduct Hotline**

The College has a campus conduct hotline (1-866-943-5787) for individuals to report matters **anonymously**. This means that it is not necessary to disclose names or any other identifying information. Reports received through this hotline relating to alleged violations of this Policy will be forwarded to the Chief Title IX Coordinator who will respond to the complaint. The College's ability to respond effectively, or at all, may be limited if the reporter wishes to remain anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to the Chief Title IX Coordinator/Deputy Coordinators, as described below.

### **Electronic Reporting**

Reports of a potential violation of this Policy may also be filed electronically at: [www.augustana.edu/titleIX](http://www.augustana.edu/titleIX). An electronic report may be made anonymously. As noted, the College's ability to respond effectively may be limited if the reporter remains anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described under the reporting obligations section of this policy.

## **VICTIM AND THIRD PARTY/BYSTANDER REPORTING**

Anyone who feels that s/he/they have been the victim of conduct prohibited by this Policy is encouraged to bring it to the attention of the Chief Title IX Coordinator/Deputy Coordinators or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to inform a member of the Chief Title IX Coordinator/Deputy Coordinators, utilize the Campus Conduct Hotline or the College's electronic reporting option outlined above. Reports will be treated as confidential as possible. This means that the Title IX Team will share information gathered through reports and any investigation on a need to know basis only.

The Chief Title IX Coordinator/Deputy Coordinators are responsible for ensuring the prompt and impartial review, investigation and resolution of all reports of alleged violations of the Policy,

along with the provision of interim remedies and measures to support all individuals involved and to ensure that they are treated with dignity and care.

## **MANDATED REPORTING**

With the exception of the confidential resources identified below, all College employees who receive a report of or otherwise become aware of sex discrimination, sexual harassment, sexual misconduct or other interpersonal misconduct are obligated to promptly inform a Title IX Coordinator (either the Chief Title IX Coordinator or one of the Deputy Title IX Coordinators) or the Office of Public Safety and Police, all known details of the incident, unless they are expressly prohibited by law from disclosing such information, and are referred to as “Mandated Reporters.” With the exception of students employed in Residential Life and Peer Educators for the Office of Sexual Assault Prevention Education, Augustana College students who are also employed by the College are not Mandated Reporters.

Failure of a Mandated Reporter, as defined above above, to report an incident of sex discrimination of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply/failure to report.

A Mandated Reporter who is themselves a target of sex discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

The Chief Title IX Coordinator/Deputy Coordinators are not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public/campus event awareness event that takes place on-campus or in a College-sponsored online platform *unless there is an imminent and serious threat to someone’s health or safety*. **Mandated Reporters must report any information learned** at an event such as a health fair, Take Back the night, etc. **if they believe there is an imminent and serious threat to someone’s health or safety**.

At Augustana, counselors in the Counseling Center and the Campus Pastor are not required to disclose the information obtained while serving in these roles as they have professional obligations to maintain the confidentiality of their clients. These employees can also help individuals understand their options for proceeding with their complaint. More information about these and other confidential resources is provided below.

## **CONFIDENTIAL RESOURCES**

There are two categories<sup>9</sup> of Confidential Resources at Augustana College who are not required to report information about sex discrimination to the Title IX Coordinator:

1) **Confidential Employees.** Those with confidentiality bestowed by law or professional ethics, such as clergy and mental health counselors, when they are hired for and acting within the scope of their professional duties to which the privilege or confidentiality applies. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or

---

<sup>9</sup> In addition to the two categories above, those conducting human subjects research as part of a study approved by the College’s Institutional Review Board (IRB) are also confidential resources and are not required to report information to the Title IX Coordinator regarding disclosures made as a part of approved research.

danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

2) **Campus Advocate.** Individual(s) the College has specifically designated as confidential for purposes of providing support and resources to student Complainants who are alleged victims of sexual assault. The Campus Advocate is an employee of Family Resources-Survivor Services of the Quad Cities.

Those designated by the College as Confidential Resources are not required to report actual or suspected sex discrimination, sex-based harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Augustana College official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

Counseling Services 309-794-7357

Counselors at Counseling Services can provide emotional and medical support in a safe and confidential space. They are not required to disclose your identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help you think through your options for filing a formal report.

Campus Chaplain, Office of Campus Ministries, 309-794-7213

Campus Advocate

Through a partnership, the College has arranged for the availability of a confidential advocate employed by Family Resources – Survivor Services to provide support to survivors of sexual assault.

**Confidential resources in the community**

Family Resources -Survivor Services of the Quad Cities – 24 Hour Free Crisis Line  
309-797-1777 <http://www.famres.org/services/survivor-services>

Family Resources- Survivor Services is a community based program that serves the needs of women, men, children and families whose lives have been affected by domestic or sexual violence, human trafficking, or other violent crimes.

Illinois Domestic Violence Help Line 1-877-863-6338  
<http://www.dhs.state.il.us/page.aspx?item=30275>

National Sexual Assault Telephone Hotline: 800-656-HOPE (4673)

Rape, Abuse, and Incest National Network: <https://www.rainn.org>

## **OFF-CAMPUS REPORTING & OTHER REPORTING INFORMATION**

The College encourages all individuals who feel they have been victims of Prohibited Conduct to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention preserves the full range of options, including the options of working through the College's grievance procedures and/or filing criminal complaints.

Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17<sup>th</sup> Street, Rock Island, telephone 309-779-5000. Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient.

An individual has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College or to pursue both processes consecutively or concurrently.

**Rock Island City Police:** Emergency – Dial “911” Non-Emergency – (309) 732-2677

A Complainant also has the right not to pursue any criminal complaint. Unless deemed necessary by the Title IX team or requested by a Complainant, the College will not contact law enforcement outside of the College Office of Public Safety and Police. In addition to having the option of pursuing a criminal complaint, Complainants also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders see <http://www.illinoisattorneygeneral.gov/women/victims.html>.

The Title IX team will assist individuals with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request and with accessing all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Augustana's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. Students who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. The College's Chief Title IX Coordinator and

the Augustana College Office of Public Safety and Police are available to assist students with any reports they might wish to make to law enforcement authorities.

Concerns about the College's application of this Policy and compliance with Title IX of the Education Amendments of 1972 may also be addressed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## **PRESERVING EVIDENCE**

Individuals are encouraged to do everything possible to preserve evidence by making certain that the crime scene is not disturbed and any physical evidence is preserved. Individuals who believe they are victims of sexual misconduct should avoid bathing, using the toilet, rinsing one's mouth or changing clothes, where possible. Clothing that was worn at the time of the incident should be placed in a paper bag, not a plastic one. Bedding should not be laundered or discarded. All forms of electronic communication that occurred before, during, or after the assault should be preserved.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17<sup>th</sup> Street, Rock Island, telephone 309-779-5000.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of investigations.

## **TIMING OF REPORT**

The College encourages individuals to report as soon as practically possible, but there is no time limit on reporting. The College will undertake an investigation of past events made by individuals currently participating in, or attempting to participate in, the education program, but the College cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Augustana community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).

## **FALSE ALLEGATIONS & EVIDENCE**

Making deliberately false and/or malicious accusations under this Policy is a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made

in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation. Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies.

### **EMERGENCY REMOVAL/INTERIM ACTIONS/LEAVES**

The College can act to remove a student Respondent accused of sex discrimination, sex-based harassment, or retaliation from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Behavioral Intervention Team in collaboration with the Chief Title IX Coordinator. Employees are subject to existing procedures for interim actions and leaves as outlined in the Employee Handbook.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

The College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the College community. The College will make every reasonable effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **RESPONSIBLE ACTION PROTOCOL/AMNESTY POLICY**

Augustana College considers the health and safety of members of the Augustana community and its visitors to be a top priority. The College recognizes a student's concern for potential disciplinary action related to use or possession of alcohol, drugs, and/or other substances that may hinder their actions in response to an emergency or medical situation. To alleviate those concerns and ensure that students and their visitors receive prompt, appropriate care, the College has adopted the following Responsible Action Protocol:

1. Students are urged to contact emergency officials by calling Augustana College Police/Public Safety at (309)794-7711 or 911 to report the incident, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so and to meet with appropriate College Officials after the incident and cooperate fully with any College investigation.
2. Students who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, or sexual assault, for themselves or others will not face punitive disciplinary action for personal use of alcohol, drugs, or other substances. This is extended to individuals who are directly involved in the incident. Student(s) will be required to complete any educational program or activity assigned by the appropriate Hearing Officer assigned to the incident. This protocol does not provide amnesty for disciplinary

action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, physical violence, sexual misconduct, etc.).

3. If campus officials (e.g., Residential Life staff, Augustana Public Safety/Police) intervene beforehand, individuals, or those present, experiencing an alcohol, drug, or other substance-related medical emergency will not receive amnesty.

4. The Responsible Action Protocol is not intended to shield or protect students that repeatedly violate College Policy. In cases where repeated policy violations occur, the College reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported. Additionally, the College reserves the right to initiate the Student Conduct Process in cases in which the alleged violation(s) is/are egregious.

5. This protocol only provides amnesty from violations of College Policy. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.

6. The Associate Dean of Students or designee will determine eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation.

In summary, a student who is under the influence of alcohol or drugs at the time of a mental health crisis, medical emergency, or sexual assault, should not be reluctant to seek assistance for that reason. When a reporting party, responding Student, third-party reporter, or Witness to an incident of a mental health crisis, medical emergency, or sexual assault, participates in a good faith report, Augustana College will not pursue punitive disciplinary violations related to the impermissible drug or alcohol use against any of the involved student(s).

## **APPLICABLE RESOLUTION PROCEDURES**

Individuals who file a report of an alleged violation under this Policy will be informed in writing of the applicable investigation and resolution procedures; this may be updated as additional facts or information becomes available during the Complaint.

## **DELEGATION OF DUTIES UNDER THIS POLICY**

The College shall respond to all allegations of Prohibited Conduct, as defined in this Policy. Obligations created by this Policy and the Investigation and Resolution Procedures may be delegated by the College, including to external professionals.

## **CONFLICTS OF INTEREST OR BIAS**

Any individual carrying out any part of this Policy and the Investigation and Resolution Procedures shall be free from any actual conflict of interest or demonstrated bias that would



impact the handling of a matter. Should the Chief Title IX Coordinator have a conflict of interest, the Chief Title IX Coordinator shall immediately notify a Deputy Title IX Coordinator who will either take, or reassign, the role of the Chief Title IX Coordinator for purposes of carrying out the matter at issue.

## **POLICY REVIEW & REVISION**

This Policy will be reviewed and updated regularly by the Chief Title IX Coordinator. The Chief Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy. Investigation and Resolution Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Augustana College website.

Policy updated: August 14, 2024