

Policy Against Discrimination & Harassment

It is the policy and commitment of Augustana College to provide an environment free from discrimination and harassment based upon an individual's actual or perceived race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, order of protection status, work authorization status, or any other classification protected by law in matters of admissions, employment, housing, services, or in the educational programs and/or activities operated by the College.

Harassment, whether verbal, physical, emotional, financial, or visual, that is based on any of these characteristics is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence. Conduct that meets the scope and definition of the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be handled under the grievance procedures of that Policy. Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal behaviors:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of harassment.
- **Physical behaviors:** physical contact including touching, hitting, pushing or other aggressive contact.
- **Sexual behaviors:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

Conduct may be considered harassment if:

- It is unwelcome; and
- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe, pervasive, and/or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this Policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, the Chief Title IX Coordinator or Deputy Title IX Coordinators.

SCOPE OF POLICY

This Policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

REPORTING PROCEDURES

Sexual or other harassment can occur intentionally or unintentionally. A member of the Augustana community who feels harassed by an employee of the College, a student, guest or visitor or any other third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that their actions are offensive to you and that those actions must stop. Individuals who are not comfortable communicating directly with the person should skip this step.
- Inform your manager, or any member of the Office of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or a member of the Residential Life staff of the offensive behavior. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should contain as much specific information as possible.
- Please see the College's Policy Against Sexual Misconduct and Title IX Sexual Harassment for additional options in reporting sex discrimination, including sexual and interpersonal misconduct.

All complaints of harassment or discrimination will be kept as confidential as possible. The College will promptly and thoroughly investigate alleged behavior that would constitute a violation of this Policy Against Discrimination and Harassment and will take steps necessary to stop behavior that violates this Policy. The investigation and grievance procedures may vary depending on the type of discrimination reported, the nature of the allegations reported and where they occurred, as well as the classification of the individual accused of a violation (i.e. student, employee or faculty member). If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or the General Counsel of the College.

RETALIATION PROHIBITED

It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. The College strictly prohibits retaliation against an employee or any other individual who opposes or reports in good faith any practices prohibited under this Policy, including bringing a complaint of discrimination or harassment, assisting someone with such a complaint, attempting to stop such discrimination or harassment, or participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes they have been subjected to or affected by retaliatory conduct for reporting a suspected violation of this Policy or participating in an investigation should report the concern immediately to the Director of Human Resources, the General Counsel, the Dean of Students Office or the Chief Title IX Coordinator or Deputy Coordinators.

REPORTING OPTIONS OUTSIDE OF THE COLLEGE

The College has established this Policy to establish a process for the prompt and effective resolution of concerns of students and employees. Individuals have the right, however, to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) to file a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of a complaint.

Contact Information:

- Illinois Department of Human Rights (IDHR)
Chicago: 312-814-6200 or 800-662-3942
Chicago TTY: 866-740-3953
- Illinois Human Rights Commission (IHRC)
Chicago: 312-814-6269
Chicago TTY: 312-814-4760
- United States Equal Employment Opportunity Commission (EEOC)
Chicago: 800-669-4000
Chicago TTY: 800-869-8001

An employee or student who has been physically harassed, threatened or assaulted may also have grounds for criminal charges, such as assault or battery.

FALSE AND FRIVOLOUS COMPLAINTS

False and frivolous charges refer to cases where the accuser is using a claim of prohibited harassment or discrimination to accomplish some other end other than stopping prohibited harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for someone accused of prohibited harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

Policy Against Sexual Misconduct and Title IX Sexual Harassment

It is the policy of Augustana College to provide a work and educational environment free from all forms of sex discrimination. Accordingly, Augustana has established this Policy Against Sexual Misconduct and Title IX Sexual Harassment ("Policy") that articulates the College's behavioral standards and descriptions of prohibited conduct. The Policy and related procedures—the Title IX Sexual Harassment Investigation and Resolution Procedures ("Title IX Sexual Harassment Procedures") and Sexual Misconduct Investigation and Resolution Procedures ("Sexual Misconduct Procedures")—outline the College's approach to addressing reports of Title IX Sexual Harassment and Sexual Misconduct, and other alleged or suspected violations of this Policy, taking into account the College's status as a private institution of higher education and its unique mission and culture. Augustana College is committed to the prompt and equitable resolution of all alleged or suspected violations of this Policy about which the College knows or reasonably should know to the fullest extent possible under the circumstances.

The College is committed to complying with the requirements of Title IX of the Education Amendments of 1972 ("Title IX") and the U.S. Department of Education's regulations implementing Title IX, the Violence Against Women Reauthorization Act of 2013, and the Illinois Preventing Sexual Violence in Higher Education Act. The College is also committed to complying with Title VII of the Civil Rights Act of 1964 ("Title VII") and the Illinois Human Rights Act ("IHRA"), which prohibit discrimination on the basis of sex in employment (Title VII and IHRA) and in higher education and places of public accommodation (IHRA).

Consistent with the College's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 *et seq.*), the College prohibits Sexual Harassment that occurs within its education programs and activities.

Administrators, faculty members, staff, students, contractors, guests, and other members of the College community who commit Sexual Harassment or engage in other forms of sexual misconduct are subject to the full range of College discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sexual Harassment or other forms of sexual misconduct ongoing remedies as reasonably necessary to restore or preserve access to the College's education programs and activities.

SCOPE OF THIS POLICY

This Policy applies to all students, faculty, and staff of the College, and to guests and visitors, including third parties such as contractors, consultants, and vendors doing business or providing services to the College. The College's ability to implement grievance procedures against individuals who are not members of the College Community is limited.

This Policy prohibits Sexual Harassment meeting specific definitions according to the Title IX regulations, as well as other sexual misconduct, not falling under specific Title IX regulatory definitions but prohibited by other policies and Augustana College.

This Policy applies to Title IX Sexual Harassment that occurs in the United States and within the College's Education Programs and Activities and is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community. As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Reports or complaints of Title IX Sexual Harassment will be governed by the College's Title IX Sexual Harassment Procedures.

This Policy also applies to Sexual Misconduct that occurs on-campus and off-campus, when the off-campus conduct: (i) occurs during a College sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health and/or safety

of a member of the College community. As further defined herein, Sexual Misconduct includes sex-based discrimination and harassment that does not fall within the definition of Title IX Sexual Harassment. It also includes Title IX Sexual Harassment that occurs outside the College's Education Programs and Activities or outside the United States (such as in a study abroad program). Reports or complaints of Sexual Misconduct will be governed by the College's Sexual Misconduct Procedures.

Where a complaint or report alleges conduct that allegedly or potentially includes acts of both Title IX Sexual Harassment and Sexual Misconduct, and where the allegations involve the same parties or are otherwise materially related, the allegations will be consolidated and addressed using the Title IX Sexual Harassment Procedures.

DEFINITIONS OF PROHIBITED CONDUCT

A. TITLE IX SEXUAL HARASSMENT

"Title IX Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

1. Quid Pro Quo Sexual Harassment

Quid Pro Quo Sexual Harassment is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

When a College employee, either explicitly or implicitly, makes a student's submission to unwelcome sexual conduct a term or condition of, or uses the student's submission to or rejection of unwelcome sexual conduct, as a basis for determining:

- (a) Whether the student will be admitted to the Institution or any other learning institution;
- (b) The educational performance required or expected of the student;
- (c) The attendance or assignment requirements applicable to the student;
- (d) What courses, fields of study or programs, including honors and graduate programs, the student will be admitted to;
- (e) What placement or course proficiency requirements are applicable to the student;
- (f) The quality of instruction the student will receive;
- (g) The student's tuition or fee requirements;
- (h) The student's scholarship opportunities;
- (i) The extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- (j) Any grade the student will receive in any examination, course, or program of instruction;
- (k) The student's progress towards successful completion or graduation from the program in which the student is enrolled; or
- (l) What degree the student will receive.

2. Hostile Environment Sexual Harassment

Hostile Environment Sexual Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person access to the College's education programs and activities.

3. Sexual Assault¹

¹ The College's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

“Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

- (a) “Rape” is the carnal knowledge of a person, 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 or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
- (b) “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- (c) “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
- (d) “Fondling” is the touching of the private body parts of another person 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 or physical incapacity.
- (e) “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
- (f) “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.

4. Domestic Violence²

“Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Illinois and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim who 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 against an adult or youth victim who is protected from those acts under the family or domestic violence laws of Illinois.

5. Dating Violence

“Dating Violence” is 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 will be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and

² The College’s definition of domestic violence is updated to the wording from the Violence Against Women Act Reauthorization Act of 2022. This is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of “Domestic Violence” as defined by 34 U.S.C 12291(a)(8). See 34 C.F.R. § 106.30(a) for further information.

- The frequency of interaction between the persons involved in the relationship.

6. Stalking

“Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

7. Other Definitions³

Economic abuse, in the context of domestic violence and dating violence, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- (A) restrict a person’s access to money, assets, credit, or financial information;
- (B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
- (C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty

Technological abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, stalking, or sexual misconduct and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of information technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Important Information on Consent, Capacity & Coercion as they relate to Sexual Misconduct and Title IX Sexual Harassment

Consent refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. Consent to engage in sexual activity must be informed, freely given, and mutual. Consent does not exist if a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation or sexual activity. This includes incapacitation due to (1) the use or influence of alcohol or drugs, (2) being asleep or unconscious, or (3) a mental disability. Incapacitation due to drug or alcohol use is a state beyond drunkenness or intoxication. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. Facts that will be considered in determining a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Control over physical movements (for example, inability to or difficulty with walking or standing without assistance);
- Awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in a sexual interaction);
- Ability to effectively communicate (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so. When determining whether a person has the capacity to provide consent, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) could or could not consent to the sexual activity. It is important that anyone engaging in sexual

³ These definitions are added based on the changes to 34 U.S.C 12291(a)(8) by the Violence Against Women Act Reauthorization Act of 2022.

activity be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity. Use of drugs or alcohol by the respondent is not a defense against allegations of sexual misconduct and does not diminish the personal accountability of the respondent.

Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact.

Consent cannot be assumed by: silence; lack of verbal or physical resistance or submission resulting from the use of force; a person's manner of dress; or the existence of a prior or current relationship. When determining whether a person has provided consent for sexual activity, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) consented to the sexual activity.

If coercion, intimidation, threats, or physical force are used, there is no consent. Coercion refers to behavior that would compel an individual to do something against their will based on fear of harm to self or others. Coercion may involve intimidation, manipulation, or threats of severely damaging consequences. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. When determining whether a person has been subjected to coercion, the College will consider whether a sober, reasonable person in the same position would have felt coerced to participate in the sexual activity. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of the behavior, (b) the intensity of the behavior, (c) the duration of the behavior, and (d) severity of the threats or consequences.

Consent cannot be given by those who are under the legal age of consent (17 years in Illinois).

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent can be withdrawn at any time. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

B. SEXUAL MISCONDUCT

Complaints involving allegations of sex discrimination that do not constitute Title IX Sexual Harassment as defined above may constitute Sexual Misconduct. Complaints of Sexual Misconduct are resolved using the Sexual Misconduct Investigation and Resolution Procedures ("Sexual Misconduct Procedures"). "Sexual Misconduct" is prohibited by this Policy and includes "Non-Title IX Sexual Harassment" and "Sex Discrimination" as defined below:

1. Non-Title IX Sexual Harassment

Non-Title IX sexual harassment ("sexual harassment") is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities. It includes:

(a) Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Economic and/or Technological Abuse as defined above, that occurs outside of the College's Education Programs or Activities or outside the United States;

(b) Unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but that:

- is sufficiently serious (severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- that has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

(c) **Inducing Incapacitation for Sexual Purposes.** Inducing incapacitation for sexual purposes means using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact. This also includes causing or inducing a person, when consent is not present, to touch, fondle, or contact oneself or someone else in a sexual nature.

(d) **Sexual Exploitation.** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information
- Exceeding the boundaries of consent
- Engaging in non-consensual voyeurism
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals
- Possessing, distributing, viewing or forcing others to view illegal pornography

2. Sex Discrimination

(a) **Sex Discrimination** means material, adverse treatment of a person or group on the basis of sex. Discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity on the basis of a protected status.

(b) **Pregnancy discrimination** is a type of Sex Discrimination and means treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

OTHER DEFINITIONS

Complainant: the party who has alleged Sexual Misconduct or Title IX Sexual Harassment or to whom Sexual Misconduct or Title IX Sexual Harassment was directed.

Respondent: the party who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment

Third Party Reporter/Witness: An individual who reports conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment 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, residence 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 Title IX Sexual Harassment occurs, including Title IX Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the College.

Understanding Hostile Environment Sexual Harassment

In considering whether a hostile environment exists for purposes of both Title IX Sexual Harassment and Sexual Misconduct, as defined above, the College will consider the totality of the circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of sexual harassment, even if they are unsure whether the conduct rises to the level of a Policy violation. Some specific examples of conduct that may constitute Hostile Environment Sexual Harassment and/or sexual harassment if unwelcome include, but are not limited to:

- Repeated comments about a person's physical appearance;
- Sexually suggestive remarks, insults, jokes, humor, or innuendo;
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes
- Displays of sexually suggestive material, including sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Unwelcome advances or conduct such as touching, patting, caressing, kissing or sexual propositions; and
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions.
- E-mail and Internet use that violates this policy.

RETALIATION

"Retaliation" is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or the Illinois Preventing Sexual Violence in Higher Education Act, or because an individual has, in good faith, opposed any practices forbidden under this Policy or 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 or the related Sexual Misconduct Procedures or Title IX Sexual Harassment Procedures.

It is a violation of College Policy to engage in Retaliation. This includes action taken against a bystander who intervened to stop or attempted to stop Sexual Misconduct or Title IX Sexual Harassment. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

The College will take immediate and responsive action upon receiving any report of Retaliation and may pursue disciplinary action as appropriate.

Reports or Formal Complaints of Retaliation based on a complaint of Title IX Sexual Harassment or participation in the Title IX Sexual Harassment Procedures may be made as outlined in the reporting sections below, and will be processed in the same manner as a report or Formal Complaint of Title IX Sexual Harassment.

Reports of Retaliation based on a complaint of Sexual Misconduct or participation in the Sexual Misconduct Procedures may be made as outlined in the reporting sections below, and will be processed in the same manner as a report of Sexual Misconduct.

The College retains discretion to consolidate a report or Formal Complaint of Retaliation with a report or Formal Complaint of Title IX Sexual Harassment or Sexual Misconduct, as the case may be, for investigation and/or adjudication purposes if the two complaints share a common nexus.

Individuals who engage in Retaliation as defined by this Policy may be subject to disciplinary action that may include, but is not limited to, the sanctions listed in the Title IX Procedures or the Sexual Misconduct Procedures, up to and including dismissal or other separation from the College.

REPORTING SEXUAL MISCONDUCT, TITLE IX SEXUAL HARASSMENT, AND RETALIATION

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 retaliation. The College's Chief Title IX Coordinator is Jennie Hemingway, who can be reached at 309-794-7313 or at titleIX@augustana.edu. While Dr. Hemingway is the Chief Title IX Coordinator, all of the following individuals serve as Title IX Coordinators for the College and may be contacted with questions, or receive complaints. In addition to the Title IX Coordinators, the Office of Public Safety and Police can receive reports of Policy violations and oversee investigations of alleged Policy violations.

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. Jennie can receive complaints from any individual regarding Title IX. 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, Human Resources Director Mindy Zumdom can receive complaints from any individual regarding Title IX. She 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. Chris can also receive a complaint of a violation of Title IX from any member of the Augustana community.

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. Dean Schnack can also receive a report of a violation of Title IX from any individual.

Deputy Title IX Coordinator: Greg Domski, PhD, Associate Dean of Academic Strategic Priorities, 309-794-3482

As a Deputy Title IX Coordinator, Greg Domski coordinates with the Chief Title IX Coordinator when a faculty member has reported or is accused of violating the College's policy. Dean Domski can also receive a report of a violation of Title IX from any individual.

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. Coach Gunnelson can receive a report of a violation of Title IX from any member of the Augustana College community.

Office of Public Safety & Police 309-794-7711

Tom Phillis, Chief of Police

Chief Phillis can receive a complaint of a violation of this Policy from any member of the Augustana community. Chief Phillis oversees the investigation of student complaints of Title IX violations 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 a Title IX Coordinator 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.

In addition to reporting to a Title IX Coordinator, any person may report Title IX Sexual Harassment or Sexual Misconduct to any College employee with managerial authority over other employees, including cabinet members, deans, department heads, unit supervisors, and other managers (collectively "Reporting Officials") who must promptly forward such report of Title IX Sexual Harassment or Sexual Misconduct to the Title IX Coordinator.

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 the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be forwarded to a 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 a Title IX Coordinator, as described above.

Electronic Reporting

Reports of a potential violation of this Policy may also be filed electronically at: 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 has been the victim of sex discrimination, sexual harassment, sexual misconduct, or other interpersonal misconduct as defined in the Policy is encouraged to bring it to the attention of a Title IX Coordinator 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 Title IX Team, or utilizing the Campus Conduct Hotline or the College's electronic reporting option outlined below. 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 Title IX Team at Augustana College consists of the Chief Title IX Coordinator, the Deputy Title IX Coordinators, and the Chief of the Office of Public Safety and Police. The Title IX Team is 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.

REPORTING OBLIGATIONS

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 the 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 the alleged details of the incident, unless they are expressly prohibited by law from disclosing such information. With the exception of students employed in Residential Life, Augustana College students who are also employed by the College are not included in this reporting requirement.

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 confidential resources is provided below. Confidential Advisors (see below) are also not required to disclose information to the College.

CONFIDENTIAL RESOURCES

Individuals who feel they have been victims of sexual misconduct may require time and support in reaching the decision as to whether to make formal complaints. There are confidential resources on campus and in the community available to individuals who do not wish to make a formal report to campus authorities or who wish to speak with a confidential resource in addition to making a formal report. Information disclosed to a confidential resource will not be shared with other individuals. These resources generally only report to the College the fact that an incident occurred without revealing any personally identifying information. This also means that disclosures to a confidential resource will not result in a College investigation into an incident. These confidential resources include:

Confidential resources on campus

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

Confidential Advisors

Through a partnership, the College has arranged for the availability of confidential advisors employed by Family Resources – Survivor Services to provide emergency and on-going support to survivors of sexual assault. Confidential Advisors may, but are not required to, serve as Advisors of Choice.

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 sexual misconduct or other interpersonal misconduct (also referred to as complainants) 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 – 17th 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.

A complainant 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 Reporting – Dial “911”

Non-Emergency Reporting (309) 732-2677

A complainant also has the right not to pursue any complaint. Unless deemed necessary by the Title IX team or requested by an alleged victim, 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, victims 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 victims 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.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or visiting www2.ed.gov/about/list/ocr/complaintintro.html.

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 – 17th 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.

ADDITIONAL REPORTING INFORMATION

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).

Amnesty

In order to encourage the reporting of alleged sexual or interpersonal misconduct, the College will not pursue disciplinary action against any student (including a Complainant or third party witness) who reports in good faith or is involved in the investigation of an alleged violation of this Policy and who has violated College policy regarding alcohol or other drugs, provided that such violations did not/do not place the health or well-being of any other person at risk. While disciplinary action will not typically be pursued for violations of the College's alcohol or drug policies in such circumstances, the College may pursue educational interventions where appropriate.

Applicable Adjudication Procedures

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

Policy Updated: January 4, 2024