



PROCEDURES

DIVISION II. College Employees and Students	REFERENCE NO.
CATEGORY Prohibition of Sexual Discrimination, Harassment and Misconduct Procedure	DATE 08/16

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

Prohibition of Sexual Discrimination, Harassment and Misconduct Procedure

I. Purpose

Joliet Junior College is committed to maintaining an environment that is safe and free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity and has adopted these Procedures in conjunction with the Board Policy 2.01.01. The College prohibits sexual harassment, sexual assault, sexual misconduct, stalking and relationship/dating violence whether committed by a student against another student, a student against a staff member, or a staff member against a student.

The purpose of this procedure is to implement Board Policy 2.01.01 to ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with: Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits discrimination on the basis of sex in the College’s programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity; and the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, 20 U.S.C. 1092(f) (“Clery Act”), which requires timely warning to the community of certain immediate threats.

For purposes of this Procedure and corresponding Policy, the term "sexual discrimination, harassment and misconduct" will be used to refer to all of the violations covered by this document, including, without limitation, Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship and Dating Violence, and Stalking, unless there is a specific need to address a specific violation by name. A Title IX complaint includes complaints alleging sexual discrimination, sexual harassment and/or sexual misconduct which involve a College student as the victim and/or complainant or as the respondent.



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

II. Jurisdiction

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

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

III. Prohibited Acts

Every member of the College community is prohibited from:

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



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IV. Scope

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

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

Sexual discrimination, harassment and/or misconduct which solely involve employees and/or third-parties are not governed by this Procedure. For procedures governing sexual discrimination, harassment and/or misconduct which solely involve employees, please contact the Department of Human Resources.

V. Notices of Non-Discrimination

Inquiries concerning the application of the College’s Board Policy 2.01.01 and this Procedure may be referred to one or all the following:

Title IX Coordinator, Yolanda Isaacs, Vice President of Student Development at (815)280-6691 or yisaacs@jjc.edu

Deputy Title IX Coordinator, Cyndi Vasquez-Barrios, Dean of Students at (815) 280-2309 or cyvasque@jjc.edu

Deputy Title IX Coordinator, Judy Connolly, Interim Executive Director of Human Resources at (815) 280-2515 or jconnell@jjc.edu

VI. Definitions

- A. **Sex Discrimination:** Sex discrimination includes any behavior or communication that improperly singles out, stigmatizes, victimizes, or otherwise subjects an individual to unequal treatment to his or her detriment on the basis of his/her sex, gender identity, or failure to conform to stereotypical notions of masculinity or femininity. Sex discrimination includes, but is not limited to, verbal abuse, sexual harassment, sexual violence, and other acts of sexual misconduct. Sexual harassment of students, including sexual violence, interferes with a student's right to receive an education free from discrimination and, in the case of sexual violence, dating/relationship violence and stalking, are crimes.



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B. Sexual Harassment: Sexual harassment includes unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts that an individual did not request or invite and that are regarded as undesirable or offensive when:

1. Submission to such conduct is made explicitly or implicitly a term of condition of a student's individual's education, academic advancement, evaluation, grades or employment;
2. Submission to or rejection of such conduct is deemed to be used as the basis for an educational or employment decision affecting the individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile or offensive educational or working environment; or
4. Such conduct denies or limits a student's ability to participate in or receive the benefits, services or opportunities of JJC's programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature include:

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

C. Non-Consensual Sexual Intercourse: includes any intentional or knowing contact, however slight, between the sex organ, mouth or anus of one person, by the sex organ, mouth, or anus of another person or the intrusion however slight of any body part including a finger(s), animal, or foreign object into the sex organ, anus or mouth of another by force or threat of force; intimidation; without the consent of the victim; or when the victim is unable to give consent due to age, diminished mental capacity, or intoxication.

D. Other Sexual Misconduct: includes sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking.



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

Dating Violence can include, but is not limited to:

1. Physical violence: hitting, slapping, pushing, kicking, biting, pinching, holding or restraining, choking, or burning;
2. Sexual Violence: forcing sex or specific sexual acts or behaviors or rape;
3. Intimidation: breaking items, throwing things, or hurting animals;
4. Threats and coercion: suicidal threats, threats of violence, threats to report the victim for misconduct or destroy their reputation and social connections, or coercion under threats to make the victim do things they normally would not and use those activities as further threats, threats against individual's family, friends, or children;
5. Isolation: keeping victim away from friends and family, monitoring and/or limiting phone calls, texts, emails, Facebook or other forms of communication, monitoring interactions and activities throughout the day, not allowing participation in activities or hobbies, or using jealousy as an excuse for all of these behaviors;
6. Emotional abuse: name calling, put downs in front of others, humiliating and degrading victim



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- through words and behaviors, or requiring victim to look or dress a certain way;
- 7. Minimizing, blaming and denying the controlling behavior and abuse: blaming the victim for the abusive behavior, defining the abusive behavior as loving behavior, or describing the abusive behavior as normal;
- 8. Use of privilege: use of privilege and social roles to justify behavior, use status as a citizen, certain religious faith, race, ethnicity, sexual orientation, economic situation, or other privilege of status to threaten, coerce or justify behavior;
- 9. For same-sex partners: "outing" or the threat of "outing" can be a strong element of control.
- H. Domestic Violence**: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.
- I. Stalking**: Knowingly and without justification follows or surveils another on at least 2 separate occasions and threatens or places in reasonable apprehension; stalking occurs when he or she knowingly engages in a course of conduct directed at a specific person and knows or should know that the conduct would cause a reasonable person to fear for their own safety or the safety of another person, or suffers emotional distress, defined as "significant mental suffering, anxiety or alarm. Stalking in conjunction with causing bodily harm, confining or restraining a person or violating court order or injunction is also prohibited.

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

1. Following, monitoring, observing, or surveilling a person;
2. Appearing at a person's home, place of business, or classroom;
3. Threatening or communicating to a person or about a person;
4. Making harassing phone calls to a person;
5. Mailing written messages, or sending electronic messages/photos;
6. Leaving messages or objects at person's home, place of business, vehicle, or classroom; and/or
7. Interfering with or damages personal property, including pets.

Stalking includes **cyberstalking**. **Cyberstalking** is to knowingly use *electronic communication*, including, without limitation, the creation and maintenance of an internet website or webpage for at least



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24 hours which is accessible to one or more third parties, e-mail communication, and posting messages on a third party’s internet website or webpage, to engage in any of the following conduct: 1) transmit a threat of immediate or future bodily harm, sexual assault, confinement or restraint to a specific person or a family member of that person; 2) place a specific person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or 3) knowingly solicit a third party to transmit a threat of immediate or future bodily harm, sexual assault, confinement or restraint to a specific person or a family member of that person in violation of JJC’s Title IX Policy and Procedure.

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



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

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

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

Q. Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. This can include coercion by supervisory, instructional, or disciplinary authority.

VII. Administration

A. Title IX Coordinator and Deputy Title IX Coordinators:

The College shall appoint a Title IX Coordinator and two Deputy Title IX Coordinators, one from the Department of Human Resources to partner with the Title IX Coordinator with respect to any Title IX complaints involving a College employee as the victim and/or complainant or as the respondent, and one from the Department of Student Development to partner with the Title IX Coordinator with respect to any Title IX complaints in which the victim and/or complainant as well as the respondent are students. Responsibilities of the Title IX Coordinator and Deputy Title IX Coordinators include:



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

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

The College encourages student victims of sexual discrimination, harassment and/or misconduct, including sexual violence, to talk to somebody about what happened so that victims can get the support they need and so that the College can respond appropriately. Victims and/or complainants are encouraged to file a complaint identifying the accused individual and describing the conduct, incident(s) or occurrence(s) that form the basis for the claim. The victim and/or complainant are encouraged to file the complaint as soon as possible after the incident to ensure a prompt and effective remedy. It is preferred that the complaint be in writing, signed by the student and include the contact information for the complainant. However, the College will process the complaint regardless of whether it is in writing.

Different employees on campus have different abilities to maintain a student victim’s confidentiality:



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- Some employees are required to maintain near complete confidentiality.
- Some employees may talk to a student victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information.
- Some employees are required to report all the details of an incident (including identities of the student victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees, called “Responsible Employees”, constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

A. Privileged and Confidential Communications

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

Contact information for such mental-health counselors is as follows:

Counseling Services
 Master’s Trained Counselors
 Counseling Office, A-1154
 Phone: **(815) 280-2251**

Students may also contact an off-campus rape crisis resource who can maintain confidentiality. A local resource is:

Sexual Assault Service Center
(815) 730-8984 (24hr. Hotline)



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Guardian Angel Community Services
 168 N. Ottawa St.
 Joliet, IL 60432
(815) 729-0930
 Website: <http://www.guardianangelhome.org>

Groundwork Domestic Violence Program
 168 N. Ottawa St., Joliet, IL 60432
 24-hour domestic violence hotline
 (815) 729-1228

You may also choose to **file an anonymous report** by calling the **JJC Sexual Misconduct Hotline** at **(815) 280-2888**, available 24 hours a day or go to <https://publicdocs.maxient.com/incidentreport.php?JolietJuniorCollege> where you can file an anonymous online report.

2. **Non-Professional Counselors and Advocates.** Individuals who work or volunteer in the on-campus Counseling Office, including front desk staff and students, can generally talk to a student victim without revealing any personally identifying information about an incident to the College. A student victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the student victim’s identity or that the student victim has disclosed the incident.

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

Contact information for such non-mental-health counselors and advocates is as follows:



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Counseling Services
 Campus Center, A-1155
 Phone: (815) 280-2673

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

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

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

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

B. Reporting to “Responsible Employees”

A College employee who has the authority to redress sexual discrimination, harassment or misconduct, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a Responsible Employee. When a student victim tells a



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Responsible Employee about an incident of sexual discrimination, harassment or misconduct, the student victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator(s) all relevant details about the alleged sexual violence shared by the student victim and that the College will need to determine what happened – including the names of the student victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report.

The following categories of employees are the College’s Responsible Employees:

1. College Administrators (excluding mental health counselors)
2. Title IX Coordinator and Deputy Title IX Coordinators
3. Deans and higher-level administrators
4. Directors, Coordinators, Managers
5. Faculty Department Chairs
6. Academic Advisors
7. Faculty (that advise a student club or organization)
8. Student Development Staff (except clerical)
9. Student Employee Supervisors
10. Campus Police and Staff
11. Athletics Staff
12. Student Activities Staff
13. Human Resources Staff
14. Anyone given the authority by the Title IX Coordinator

Before a student victim reveals any information to Responsible Employee, the employee should ensure that the student victim understands the employee’s reporting obligations – and, if the student victim wants to maintain confidentiality, direct the student victim to the confidential resources listed above.



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If the student victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the student victim’s request for confidentiality.

C. Student Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond

If a student victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students and employees, including the student victim.

If the College honors the request for confidentiality, a student victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Although rare, there are times when the College may not be able to honor a student victim’s request in order to provide a safe, non-discriminatory environment for all students and employees.

The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator
- Deputy Title IX Coordinators

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

1. The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:



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- a. Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
- b. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
- c. Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
- d. Whether the sexual discrimination was committed by multiple perpetrators;
- e. Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- f. Whether the student victim is a minor;
- g. Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- h. Whether the student victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

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

If the College determines that it can respect a student victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the student victim.

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



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

IX. Waiver of Conduct Charges for Sexual Misconduct Complainants and Witnesses

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

The waiver will not be extended for any violations of College policy other than alcohol/drug use. In addition, the waiver does not preclude or prevent action by police or other legal authorities. The waiver of misconduct will not be extended to an intentionally false report of sexual discrimination, misconduct or harassment.

X. Complaints may be submitted to:

- Title IX Coordinator, Vice-President of Student Development, Dr. Yolanda Isaacs, (815) 280-2309 or in A-3120
- Deputy Title IX Coordinator, Dean of Students, Cynthia Vasquez-Barrios, (815) 280-2309 or in A-1100
- Deputy Title IX Coordinator, Judy Connelly, Interim Executive Director of Human Resource, (815) 280-2265 or A-3000 (Cases that involve employees)
- Joliet Junior College Police Department, (815) 280-2234 or in G-1013



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XI. Reports to Law Enforcement

Reports of crimes may be filed with law enforcement with or without the assistance or notifying the Title IX coordinators. The College will assist any student with filing a report with campus police or law enforcement agency. The Title IX Coordinator or Deputy Coordinator(s) will report complaints of sexual violence to campus police or the appropriate law enforcement agency when requested to do so by complainant. As required by law, reports shall be made to law enforcement and Department of Children and Family Services when the victim is a minor.

The Title IX Coordinator or Deputy Coordinator, in consultation with campus police and other appropriate campus officials, shall analyze each report of sexual violence to determine if a health or safety emergency as defined by state and federal law warrants disclosure of information relating to the complaint. In such case, information relating to the complaint will be disclosed to the appropriate persons including campus police or appropriate law enforcement personnel.

Timely warnings or emergency notifications issued by campus police under the Clery Act related to sexual violence shall also be sent to appropriate law enforcement agencies when deemed necessary.

XII. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct

In addition to the reporting requirements for Responsible Employees (see Article VIII, Section B, above), all College employees who have information regarding sexual discrimination, harassment and/or misconduct of a student are encouraged to report it to the Title IX Coordinator or any Responsible Employee.

XIII. Interim Measures

During the course of an investigation, the College will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:



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

The College may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

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

XIV. Preliminary Investigation

Upon receipt of a Complaint of sexual discrimination, harassment and/or misconduct, including sexual violence, the Title IX Coordinator, Deputy Title IX Coordinator, and/or a designee will promptly investigate the allegation(s) and provide appropriate support and consultation for the complainant. Complainants will be informed about campus and community resources, including counseling and other health services and will be notified of their right to file a complaint with the Joliet Junior College Police Department or local law enforcement agencies. The Deputy Title IX Coordinator will determine whether a Code of Conduct administrative or conduct board hearing on the charges is warranted. The respondent accused of violating the College's policies will be notified.

If no reasonable grounds for the complaint are found, the Deputy Title IX coordinator/Dean of Students will dismiss the case. The complainant will be informed why the act does not constitute a violation of this procedure or Board Policy 2.01.01 or a violation of the Student Code of Conduct.



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With respect to allegations that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will partner with the Department of Human Resources Deputy Title IX Coordinator.

XV. Formal Investigation

- A. Initiation of Investigation and Interim Measures:** When a student accuses another student or employee of sexual discrimination, harassment or misconduct, and if reasonable grounds appear to exist, the Dean of Students Deputy Title IX Coordinator or designee will first determine if any interim measures are needed while the investigation proceeds. Interim measures may include, but are not limited to:
1. Imposing an interim suspension or interim removal from a class;
 2. Issuing a no-contact order between the respondent and the complainant;
 3. Providing an escort to ensure that the complainant can move safely between classes and activities;
 4. Ensuring that the complainant and respondent do not attend the same classes; and
 5. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

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

For any type of complaint of sexual discrimination, harassment or misconduct, whether student-student, student-employee or employee-student, a two-person team will complete the investigation, which will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the college's investigation of a complaint will ordinarily be completed within 60 calendar days from the time a complaint is submitted. This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability of witnesses. When a student accuses an employee of sexual discrimination, harassment or misconduct, the Human Resources Deputy Title IX Coordinator or his/her designee will be one of the



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members of the two-person team who will conduct an investigation consistent with this procedure as well as applicable College personnel policies and collective bargaining agreements. In such cases, the Human Resources Deputy Title IX Coordinator will regularly update the respondent on the status of the investigation and will update the complainant or victim in conjunction with Dean of Students Deputy Title IX Coordinator. When the respondent is not an employee, the Dean of Students Deputy Title IX Coordinator or the Title IX Coordinator will regularly update the complainant and respondent on the status of the investigation. In such cases, the investigation outcome will be presented to the Dean of Students Deputy Title IX Coordinator and/or the Title IX Coordinator and the Student Code of Conduct process will be followed.

The College's investigative process is not a legal process and is not a substitute for making formal legal charges to the police. If civil suit and/or criminal charges are filed, the College reserves the right to conduct its own investigation and proceedings regardless of the status or resolution of any civil or criminal litigation.

B. Notice to Respondent:

1. Within 10 business days of receipt of a complaint, the respondent will be given written notice of the charges against him/her.
2. The respondent will be advised of the nature of the evidence against him/her unless release of the evidence would endanger the health or safety of victim(s) or witness(es) or the College community.

C. Due Process Rights of Victim and/or Complainant and Respondent

1. The victim and/or complainant and respondent will each be afforded the right to present information and witnesses relevant to his or her case.
2. When the student victim and/or complainant or respondent is requested to appear at an investigatory meeting or proceeding related to a complaint, he or she may be accompanied by an advisor. An advisor is defined as a family member, peer, or staff/faculty member of the College; it does not include legal counsel or an attorney at law. The advisor may not, in any way, intervene in the meeting/hearing or address the investigator/ hearing panel. The advisor cannot be someone who has a current formal role (e.g., academic advisor, coach, faculty member) with either the



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respondent or complainant. The advisor's function is to provide support to the student. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner.

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

D. Evidence Considered: Investigators will interview and receive evidence from the victim, complainant, respondent and any witnesses identified during the course of the investigation. The victim’s prior sexual history will not be considered during the investigation or any proceeding related to a complaint.

E. Preservation of Evidence: Any physical evidence gathered by the investigator will be preserved by the JJC police.

F. Report of Investigation: At the conclusion of the investigation, the investigator will prepare a thorough report outlining the: complaint, investigation conducted and all relevant evidence obtained; investigator’s conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for sanctions or other remedial action as appropriate. The investigator will submit his/her report to the Title IX Coordinator, Department of Human Resources Deputy Title IX Coordinator, and/or Dean of Students Deputy Title IX Coordinator, as appropriate.

G. Determination Based Upon Preponderance of the Evidence: For student respondent cases, the Dean of Students Deputy Title IX Coordinator in conjunction with the Title IX Coordinator shall review the investigator’s report and all evidence gathered to determine whether the student respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy. For employee respondent cases, the Department of Human Resources Deputy Title IX Coordinator in conjunction with the Title IX Coordinator shall review the investigator’s report and all evidence gathered to determine whether the employee respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy. The determination of violations shall be made based on the preponderance of evidence, meaning whether it is more likely than not that this policy was violated.

H. Notice to Respondent: For student respondents, within 10 business days after receipt of the investigator’s report, the Title IX Coordinator or the Dean of Students Deputy Title IX Coordinator will notify the student respondent via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator or the Dean of Students Title IX Coordinator determines that the student respondent has violated the College’s prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the student respondent of:



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1. Disciplinary sanctions; and
2. The right to appeal the determination and sanctions in accordance with the appeal procedures set forth in Section XVII- XIX, below.

For employee respondents, the Department of Human Resources will follow its obligation under College Policies and Collective Bargaining Agreements in providing employees with notice of the College’s determination. If the Title IX Coordinator or Department of Human Resources Deputy Title IX Coordinator determines the employee respondent has engaged in sexual misconduct, discrimination or harassment, then the College shall notify said respondent of disciplinary sanctions and his or her right to appeal. The Title IX Coordinator and all involved Deputy Title IX Coordinators shall be copied on all College correspondences and notices to the respondent.

I. Notice to Victim and/or Complainant: Concurrently with the notice provided to respondent, the Title IX Coordinator will notify the victim and/or complainant via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the respondent has violated the College’s prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the victim and/or complainant of:

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

J. Concurrent Criminal Investigation: The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the College investigation be temporarily suspended. In such cases, the College will evaluate the law enforcement agency’s request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared



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with the College until the criminal investigation is closed. Regardless whether authorities criminally prosecute students or employees for engaging in any acts prohibited by this Procedure or Board Policy 2.01.01. JJC students or employees who violate this Procedure or Board Policy 2.01.01. re subject to discipline by JJC.

XVI. Sanctions for Respondents

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

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

XVII. Remedies for Victims and/or Complainant

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

XVIII. Appeal Procedures for Victims and/or Complainants and Student Respondents

A victim and/or complainant or a student respondent who wishes to appeal the decision reached by the Title IX Coordinator and/or Deputy Title IX Coordinator at the conclusion of a formal investigation must submit a written request for appeal to the Title XI coordinator. The appeal procedure for a determination of a complaint of sexual



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discrimination, harassment and misconduct is governed by the appeal procedure in the Student Code of Conduct. The appeal is limited to an administrative review by the Title XI coordinator.

XIX. Rights of a Student Victim of Sexual Discrimination, Harassment, and Misconduct

Students who have been victims of and/or complainants of sexual discrimination, harassment or misconduct will receive an explanation of their rights in writing. These rights include, but are not limited to, the following:

- To be treated with respect, dignity, sensitivity and professionalism throughout the process.
- To protect privacy of student records to the extent allowed under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. Part 99. The College will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- To have one advisor present during all meetings or hearings.
- To have information on how the reporting and investigation process proceeds.
- To receive a referral to private and confidential medical treatment/counseling.
- To have knowledge of and access to all campus accommodations available, including assistance in changing academic situations.
- To choose whether to participate in police or campus investigations and student conduct procedures.
- To have safety issues addressed throughout the investigative and student processes including no requirement to participate in mediation.
- To have the report promptly investigated, responded to and resolved, by campus officials within 60 days of the initial report. This does not apply to the on-going criminal investigation.
- To have prior mental health, sexual past, or incidences of victimization excluded from a campus hearing.
- To be exempt from charges of other lesser secondary violations of the Code of Conduct in making a report (i.e. violations of campus alcohol).
- To have a closed, non-public hearing process.
- To be notified when a report has been made by another party on one's behalf prior to any action being taken or the potential violator being notified.
- To an adequate amount of time to prepare for the hearing. Participants shall be given at least three (3) calendar days' notice prior to the hearing except in rare circumstances.
- To participate or decline to participate in the investigation or hearing process. However, the student



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conduct process will continue with the information available, and not participating in the investigation may preclude the College’s ability to fully investigate.

- To refrain from making self-incriminating statements. However, the disciplinary process will continue with the information available.
- For student disciplinary procedures, to have the right to an equal opportunity to present witnesses and other evidence in any hearing/investigation, and the right to the same appeal process as provided to the respondent.
- To be informed of the outcome and sanction(s) issued by any student conduct administrative or conduct board hearing.
- With respect to student disciplinary procedures, notification will be simultaneous, and shall also address the right to file an appeal, if applicable. In accordance with federal and state privacy laws, the notification shall also address the sanction imposed against a respondent.
- One level of appeal of the outcome or sanctions.

A. Rights of a Student Responding to a Complaint of Sexual Discrimination, Harassment, and Misconduct

Student respondents will receive written notification of their rights and have an opportunity to a verbal explanation as requested. These rights include, but are not limited to, the following:

- To be treated with respect, dignity, sensitivity and professionalism throughout the process by college officials.
- To protect privacy of student records to the extent allowed under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. Part 99. The College will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
 - To have one advisor present during any meetings or hearings.
- To have information on how the reporting and investigation process proceeds.
 - To receive a referral to private and confidential counseling
- A timely written notice of the charges.
 - Having information on how the reporting and investigation process will proceed, and to your rights through the process.
 - To have a Student Conduct Administrative or Conduct Board Hearing of Charges.



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- To have a closed, non-public hearing process.
- To an adequate amount of time to prepare for the hearing. Participants shall be given at least three (3) calendar days' notice prior to the hearing except in rare circumstances.
 - To participate or decline to participate in the investigation or hearing panel process. However, the student conduct process will continue with the information available, and not participating in the investigation may preclude participation in the hearing panel or administrative hearing.
 - To refrain from making self-incriminating statements. However, the disciplinary process will continue with the information available.
 - Written information about the outcome and sanctions of any student conduct hearing.
 - For student disciplinary procedures, to have the right to an equal opportunity to present witnesses and other evidence in any hearing/investigation, and the right to the same appeal process as the complainant/victim.
 - With respect to student disciplinary procedures, notification will be simultaneous, and shall also address the right to file an appeal, if applicable. In accordance with federal and state privacy laws, the notification shall also address the sanction imposed against a student.
 - One level of appeal of the outcome or sanctions.

XX. Advisor/Advocate/Supporter:

Both the student respondent and the victim and/or complainant are entitled to have an advisor present during any meetings regarding the process. The advisor's function is to provide support to the student. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not, in any way, intervene in the meeting/hearing or address the investigator/ hearing panel. The advisor cannot be someone who has a current formal role (e.g., academic advisor, coach, faculty member) with either the respondent or complainant.

XXI. Employee Victim/Complainant and Respondent Rights During Investigation and Right to Appeal

Employees, whether victims and/or complainants or respondents, shall be afforded rights consistent with this Procedure as well as any applicable College Policies and Collective Bargaining Agreements.



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XXII. Assurances

A complaint of sexual discrimination, harassment or misconduct filed with the Title IX Coordinator or Deputy Title IX Coordinator will be promptly investigated by the College to determine what occurred. The parties have the right to a prompt, fair and impartial investigation of complaints by trained officials.

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

XXIII. Retaliation

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

XXIV. Release of Information

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

In cases in which the reported student is believed to pose no substantial threat of bodily harm or danger, the Clery Act also requires the College to report statistical information regarding the type of incident and the general location for publication in the Annual Campus Security Report. No further information regarding the victim or the incident may be related to the campus community in these cases. The Annual Campus Security Report can be found here <http://www.jjc.edu/about/operational/campuspolice/Pages/campus-safety-security-booklet.aspx>



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All documentation regarding a formal report of sexual discrimination, harassment, and misconduct by students will be kept on file in the Dean of Students' Office for a minimum of 7 (seven) years.

XXV. Prevention and Education for Students and Staff

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

XVII. Training

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

XXVIII. Resources

Students may contact an off-campus rape crisis resource who can maintain confidentiality. A local resource is:

Sexual Assault Service Center
 (815) 730-8984 (24hr. Hotline)

Guardian Angel Community Services
 168 N. Ottawa St.
 Joliet, IL 60432
 (815) 729-0930
 Website: <http://www.guardianangelhome.org>



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Groundwork Domestic Violence Program
 168 N. Ottawa St., Joliet, IL 60432
 24-hour domestic violence hotline
(815) 729-1228

Counseling Services
 Master’s Trained Counselors
 Counseling Office, A-1154
 Phone: **(815) 280-2251**
 (Please ask for personal and confidential counseling)

You may also choose to **file an anonymous report** by calling the **JJC Sexual Misconduct Hotline** at **(815) 280-2888**, available 24 hours a day or go to https://cm.maxient.com/reportingform.php?JolietJuniorCollege&layout_id=40 where you can file an anonymous online report.

Joliet Junior College Police Department
 Main Campus
 1215 Houbolt Rd, G-1013
 (815) 280-2234

Local Law Enforcement Agencies

City Center & Main Campus Jurisdiction
 Joliet Police Department
 (815) 726-2491

Romeoville Campus
 Romeoville Police Department
 (815) 886-7219

Weitendorf & Lincolnway Ed. Centers
 Will County Sheriff’s Police Department



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(815) 727-8575

Morris Ed. Center

Morris Police Department
(815) 942-2131

Presence St. Joseph Medical Center

333 N Madison St.
Joliet, IL 60435
(815) 725-7133

Silver Cross Hospital

1900 Silver Cross Blvd.
New Lenox, IL 60451
(815) 300-1100

Inquiries concerning the application of Title IX and complaints may be referred to the United States Department of Education's Office for Civil Rights:

Office for Civil Rights, Chicago Office

U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: (312)730-1560
Email: OCR.Chicago@ed.gov

A student who believes that the College failed to address any sexual discrimination, harassment or misconduct can file a complaint with: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>