



MCKENDREE UNIVERSITY SEXUAL MISCONDUCT POLICY

The Office of Student Affairs

MCKENDREE UNIVERSITY 701 College Rd, Lebanon, IL 62254

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SEXUAL MISCONDUCT POLICY & PROCEDURES

POLICY STATEMENT

McKendree University is committed to providing a learning, working, and living environment that promotes integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The University considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual harassment, whether verbal, physical, visual, or digital, is a form of prohibited sex discrimination, and sexual assault is a particularly severe form of sexual harassment.

SCOPE

This policy applies to all University employees, including staff, faculty, and administrators; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus. This policy prohibits sex discrimination, sexual harassment, and sexual violence when the complainant and alleged perpetrator are members of the same or opposite sex, and it applies regardless of national origin, immigration status, or citizenship status. The University's prohibition on sex discrimination, sexual harassment, and sexual violence extends to all aspects of its educational programs and activities, including but not limited to, admissions, employment, academics, athletics, housing, and student services.

The University has jurisdiction over conduct covered by this policy that occurred on campus, during or at an official University program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The University will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

It is the policy of the University to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the University's educational programs and activities. The University has designated the following Title IX Coordinators to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Title IX Coordinator:

Shirley Baugh
Director of Human Resources
501 Stanton Street
Lebanon Illinois 62254
Phone: (618) 537-6533
Email: sabaugh@mckendree.edu

Deputy Title IX Coordinator:

Joni Bastian, PhD
Vice President for Student Affairs
701 College Road
Lebanon, IL 62254
Phone: (618) 537-6555
Email: jjbastian@mckendree.edu

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

DEFINITIONS

Sexual Misconduct

Sexual misconduct is an umbrella term covering sex discrimination, sexual harassment, sexual assault, sexual abuse, domestic violence, date violence, and stalking.

Sex Discrimination

Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any University program or activity because of their gender or sexual identification. Sex discrimination can include adverse treatment based upon one's gender or sexual identification.

Examples of Sex Discrimination include but are not limited to:

1. A professor not calling on someone when they raise their hand while calling consistently on someone of a different gender
2. Derogatory or sexist remarks or a staff member tolerating derogatory remarks made to call attention to the sexual identification of another.

Sexual Harassment

Sexual harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, digital, or physical conduct of a sexual nature. Sexual Violence, including Sexual Assault, is a form of Sexual Harassment. Sexual Harassment can involve persons of the same or opposite sex. Sexual Harassment can take one of the following two forms, both of which are prohibited by this policy:

1. When the terms or conditions of employment, educational benefits, academic grades or academic opportunities living arrangements, or the opportunity for participation in a McKendree University activity is conditioned upon, whether explicitly or implicitly, submission to sexual advances or requests for sexual favors, or such submission or rejection thereof is a factor in decisions affecting that individual's employment, education, living arrangements, or participation in a McKendree University program or activity. Generally, in this form, violators are persons acting under some authority from the University.
2. When pervasive or egregious conduct is based upon sex, sexuality, gender identity, gender expression, or sexual orientation, that conduct creates a hostile environment. To constitute a hostile environment, the conduct must:
 - a) Be based on sex, sexuality, gender identity, gender expression, or sexual orientation;
 - b) Be sufficiently serious and objectively offensive to deny or limit a person's ability to participate in or benefit from McKendree University's programs, services, opportunities, or activities. The seriousness of such conduct may be determined by its severity, or by its pervasive or persistent nature.
 - c) Have either the purpose or the effect of unreasonably interfering with an individual's employment or educational opportunity. This outcome need not be the intended effect of the offender.

Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as Sexual Assault, even if isolated, can be sufficient to create a hostile environment.

In determining whether harassment has created a hostile environment, consideration will be given as to not only whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors are also considered:

1. The degree to which the conduct affected one or more students' education or individual's employment;
2. The nature, scope, frequency, duration, and location of the incident or incidents and the context in which they occurred;
3. The identity, number, and relationships of persons involved;
4. The age and sex of the alleged harasser and the subject or subjects of the harassment;
5. Other incidents at McKendree University or other institutions, as appropriate; and
6. Incidents of gender-based, but nonsexual harassment.

Examples of Sexual Harassment include but are not limited to:

1. Pressure for a dating, romantic, or intimate partner relationship
2. Pressure for sexual activity
3. Sending sexually explicit emails or text messages

Sexual Assault

Sexual assault is a particularly severe form of prohibited sexual misconduct. Sexual assault includes any non-consensual contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person. The term sexual assault includes, but is not limited to, vaginal intercourse, cunnilingus, fellatio, or anal penetration.

The term sexual assault shall be deemed to specifically include, but are not limited to, the following:

1. Stealthing: Defined as removing a condom without the other person's consent
2. Knowingly transmitting a sexually transmitted disease or infection

Sexual Abuse

Sexual abuse is any knowing touching or fondling or attempted touching or fondling of the victim or by the accused, either directly or through clothing, of the sex organs, anus or buttocks, or breast of the victim or accused, or the transmission of semen or other bodily fluids or attempted transmission of semen or other bodily fluids by the accused upon the any part of the clothed or unclothed body of the victim, and;

1. Such act is committed without the consent of the victim, or
2. Such act is committed by the use of force or threat of force, or
3. Such act is committed upon a person who is unable to understand the nature of the act or to give knowing consent thereto.

Violence

Violence refers to any conduct that causes or threatens to cause physical, mental, or emotional harm to another.

Domestic Violence

Domestic Violence includes any act of violence or threatened violence committed by a current or former spouse or intimate partner of a 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 jurisdiction in which the crime of violence or threatened violence occurred, 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 jurisdiction in which the crime of violence occurred.

Examples of domestic violence include but are not limited to:

1. Kicking, punching, pushing, or otherwise physically attacking
2. Placing someone in the protected class in reasonable apprehension of receiving a battery
3. Threatening harm to another for exercising control over a person in the protected class.
4. Preventing someone from accessing needed emergency services

Date Violence

Date violence is defined as violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Date violence can include a single encounter.

Examples of date violence are included above under Domestic Violence.

Stalking

Stalking is two or more acts directed as a specific person that would cause a reasonable person to 1) fear for his or her safety, or the safety of others; or 2) suffer substantial emotional distress.

Examples include but are not limited to:

1. Using technology to gather information on and/or images of someone
2. Waiting outside someone's home and/or place of business
3. Excessively calling, texting, or messaging someone.

Consent

Consent is defined as a completely voluntary agreement to participate in sexual activity. Any party may withdraw consent unilaterally at any time before or during sexual activity. Consent must be given each time parties engage in sexual activity. The fact that consent may have been given on a previous occasion does not constitute consent on subsequent occasions. No person shall be deemed to have consented on any sexual conduct that occurs after he or she withdraws consent.

The scope of consent is limited to the scope of the agreement of the parties. Consent to sexual activity of one type does not constitute consent to any other form of sexual activity. Consent to protected sexual activity does not constitute consent to unprotected sexual activity. Consent to sexual activity with one partner does not constitute consent as to any other person.

Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force, or coercive conduct does not constitute consent. The victim's choice of manner of dress at the time of the offenses shall not constitute or imply consent.

No purported consent will be valid when a person is unable to understand the nature of the activity or cannot consent based on circumstances including but not limited to:

1. Full or partial incapacitation due to the influence of drugs or alcohol;
2. The person is asleep or unconscious;
3. The person is not of legal age to consent; or
4. The person is incapacitated due to a mental disability.

MAKING A COMPLAINT OF SEXUAL MISCONDUCT

Students

Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator, Deputy Title IX Coordinator, or designee. Students should be aware that all employees at the University, other than those identified below as confidential advisors, have an obligation to report information about sexual misconduct to the Title IX Coordinator (or designee) for review and investigation, and they may not keep this information confidential. Students may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in the Title IX Statement at the beginning of this policy.

Amnesty

The University recognizes that an individual who has engaged in behavior that may violate the University's Student Code of Conduct may be hesitant to report sexual misconduct. To encourage reporting, the University will grant immunity to any student who reports, in good faith, an alleged violation of this policy to the Title IX Coordinator or other employee. The reporting student will not receive a conduct sanction by the College for a conduct violation, such as under aged drinking, that is revealed in the course of such a report, unless the College determines that the violation was egregious, including without limitation, an action that places the health and safety of any other person at risk.

Notwithstanding the University's commitment to amnesty in these situations, the University may require the reporting individual to attend a course or pursue other educational interventions, for example educational interventions related to alcohol and drug use. Further, this amnesty provision does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs or otherwise violated the law.

Support Person/Advisor

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany them at all stages of the process, including meetings with the Investigating Officer and at the hearing. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process. A support person/advisor may be removed if he or she becomes disruptive, harasses or intimidates others involved in the process, or does not abide by the limitations discussed in the previous sentence. Additionally, the University is not required to allow particular support person/advisor be involved in the process if it would cause undue delay of any meeting with the Investigating Officer or the hearing. A support person/advisor will be asked to sign an affirmation that he or she understands their role in the process.

Confidential Advisors

If an individual desires to talk confidentially about their situation, there are resources available. The following confidential advisors are available to assist you and will **not** disclose the identifying information you provide, unless otherwise required to do so by law (e.g., if the complainant is a minor or there is a threat to the greater community). These individuals are required to make a non-identifying report to the Title IX Coordinator or designee so that the University can analyze whether there are patterns or systemic problems of sexual misconduct on campus:

Counseling Staff: Melissa McHenry, M.A., M.S., MCPC
 Assistant Director of Health and Counseling Services
 (618) 537-6416

Charles Gregory, M.A., L.C.P.C., L.P.C.
University Counselor
(618) 537-6975

Laura Harrawood, Ph.D., L.C.P.C.
University Counselor
(618) 537-6137
Counselors may also be reached at (618) 537-6990

Health Services Staff: Beth Allan, MSN, RN, BSN, CSN, NP-C
Director of Health and Counseling Services
(618) 537-6502

Lesa Auten
Medical Assistant
(618) 537-6503

Chaplain: Rev. Tim Harrison, DMin
(618) 537-6962

Employees

Employees who wish to report sexual misconduct should file a complaint with the Title IX Coordinator, Deputy Title IX Coordinator, or designee. All University employees have a duty to report sexual misconduct to the Title IX Coordinator, Deputy Title IX Coordinator, or other designee when they receive a report of such conduct, witness such conduct, or otherwise obtain information about such conduct and must do so within 24 hours of receiving such information. This includes employees who may have a professional license requiring confidentiality, *so long as they are not employed by the University in that professional role*. An employee not reporting sexual misconduct as required by this policy may be disciplined accordingly, up to, and including termination. This section does not apply to employees identified below as confidential advisors.

Other Persons

Any other persons, including third parties, vendors, bystanders, and visitors on campus, who wish to report sexual misconduct should file a complaint with the Title IX Coordinator, Deputy Title IX Coordinator, or designee. They may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in the Title IX Statement at the beginning of this policy.

Confidential Reports

If you are NOT a Responsible Employee, you may make a confidential report with the Title IX Coordinator, Deputy Title IX Coordinator, or designee. A confidential report is separate from seeking confidential counseling before making a report. Although the Title IX Coordinator will take all reasonable steps to investigate and respond to reports and complaints while keeping confidential the identity of the reporter, confidential reporting may ultimately limit the University's ability to take appropriate action in the absence of all relevant facts. The University must also consider its obligation to respond effectively to reports of policy violations and to maintain a safe environment for the McKendree University community.

If you have concerns about confidentiality, please first seek advice from the McKendree University Counseling Service.

Anonymous Reports

Anonymous complaints will be accepted by the University, although it is often difficult to gather facts and conduct a thorough investigation via anonymous complaints. An anonymous report can be completed through the electronic reporting option described in the Methods for Submitting Complaints and Reports section below. *Employees cannot fulfill their mandatory reporting obligations under this policy using this anonymous reporting option.*

Electronic Reporting Option

The Incident Reporting Form (<https://cm.maxient.com/reportingform.php?mckendreeUniv>) can be used to quickly submit reports of sexual misconduct. Anonymous reports can also be made using this method. Many of the fields on the report can be left blank; the only required fields are the *Nature of this Report*, *Date of Incident*, *Location of Incident*, and incident description fields. You can specify the type of misconduct in the *Title IX Concerns* dropdown box in the Questions section, should you wish to do so.

Within twelve (12) hours of receiving an electronic report, the University will, so long as the report was not anonymous, respond to the reporter through verbal, written, or electronic communication. In the case of anonymous reports, the University will follow up to the best of its ability based on the information provided.

Summary of Options and Other Available Resources

All options for reporting (confidential, non-confidential, off-campus, etc.), as well as other resources, such as local law enforcement and community-based organizations, are summarized in Appendix A of this policy.

Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual assault, domestic violence, date violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A complainant may decline to notify such authorities. When a physical crime of violence has been perpetrated against you, the University recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you experienced sexual assault, domestic violence, or date violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. As necessary to preserve evidence, you should not bathe, urinate, douche, brush teeth, or drink liquids until after you are examined and, if necessary, have a rape examination completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Complainants may go to Memorial Hospital East, located at 1404 Cross Street, Shiloh, Illinois, 62269, to obtain a medical forensic examination. The phone number for this facility is (618) 607-1000.

It is also important to take steps to preserve other types of evidence, such as letters, emails, text messages, social media posts, pictures, etc. This type of information is relevant in all situations involving sexual misconduct, and it is often the only type of evidence available in cases of sexual harassment and stalking (other than witnesses).

The complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing judicial action through the University

- Requesting that no further action be taken
- Requesting further information about the University's policy and procedures for addressing
- sexual misconduct and available resources

Interim Measures

The University will provide interim measures to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct. Interim measures may include changes in academic, living, dining, transportation, or work situations, to the extent that the University has control over these environments, if options to do so are reasonably available. Interim measures may also include restriction on contact between the parties. Requests to change an academic, living, dining, transportation, or work situation, or for any other protective measure (such as a no-contact order), should be made to the Title IX Coordinator, Deputy Title IX Coordinator, or designee. The Title IX Coordinator will communicate with each party throughout the investigation to ensure that interim measures remain necessary and effective. Failure to comply with the terms of these interim measures or protections may constitute a separate violation of the Sexual Misconduct Policy.

If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator, Deputy Title IX Coordinator, or designee. The University, in conjunction with McKendree University Public Safety, will take all reasonable and legal action to implement the order.

Retaliation

It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section. All institutional sanctions are available for those found to have engaged in retaliatory conduct, up to and including termination or expulsion.

SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES

Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer and hearing panel
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Investigating Officer and hearing panel should the Investigating Officer or hearing panel share such information with the other party
- Equal opportunity to provide to the hearing panel questions for the purpose of cross examination
- Equal opportunity to appeal determinations pursuant to *Appeals*, below

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the University will take judicial action where appropriate. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that their name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community.

The Title IX Coordinator/designee, the Dean of Students, and the Director of Public Safety are responsible for evaluating requests for confidentiality. They may consult with other appropriate University officials and legal counsel as necessary.

After the initial notification has been made, the Investigating Officer will commence an investigation of a complaint as soon as practicable, but not later than seven (7) business days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from University administrators, the University's attorneys, or other parties as needed. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation.

Preponderance of Evidence Standard

In making any determination on the resolution of the complaint, the evidentiary standard is the preponderance of the evidence; that is, whether it is more likely than not that sexual misconduct occurred.

Informal Resolution

Informal means of resolution, such as mediation, may be used at any stage, with agreement of the parties involved, in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:

- The informal process can only be used with both parties' voluntary cooperation and appropriate involvement by the institution (e.g., the Title IX Coordinator)
- The complainant will not be required to "work out" the problem directly with the respondent

- Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described below.
- After both parties agree to the actions listed on the Informal Resolution and sign the document, the complaint will be closed and may not be reopened.
- If either party does not complete the action required by the Informal Resolution, the party will be in violation of the Title IX Sexual Misconduct policy and may receive further sanction.

Formal Resolution

Formal means of resolution entails a full investigation of the complaint. During a formal resolution, the complaint may be adjudicated by a hearing panel comprised of University faculty and staff.

The Hearing Panel

If, at the conclusion of the Investigating Officer's investigation, the Title IX Coordinator or Deputy Coordinator determines that suspension or expulsion are potential outcomes of the complaint, a three-member hearing panel (the "Panel") will be convened within five (5) business days. The Panel will be appointed by the Title IX Coordinator or designee and will be comprised of one or two fulltime faculty members and one or two fulltime staff members who have received training on the University's Sexual Misconduct Policy and in conducting hearings of this nature.

Determining Complaint Outcomes and Notification

Applying the preponderance of the evidence standard, the Title IX Coordinator, Deputy Coordinator, designee, or Panel will make a determination as to whether or not a violation of the University's Sexual Misconduct Policy occurred. The Title IX Coordinator, Deputy Coordinator, designee, or Panel shall issue a written determination that sets forth the scope of what was considered and the findings upon which the decision is based.

If it is determined that a violation of the University's Sexual Misconduct Policy occurred, the written determination will include sanctions and any steps deemed necessary to 1) maintain an environment free from discrimination and harassment and 2) protect the safety and well-being of the complainant and other members of the University Community. Sanctions can include other remedial measures to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and/or retaliation.

Examples of such sanctions include, but are not limited to no-contact orders; classroom reassignment; and the provision of counseling, other support services, and/or training. It also includes sanctions for the respondent such as a written formal warning, suspension, expulsion, or other appropriate institutional sanction(s), depending on the severity of the incident and taking into account any previous conduct infractions.

If necessary, the written determination will be redacted to ensure that information concerning any remedial and/or judicial measures is disclosed in a manner consistent with Title IX, FERPA, and the Clery Act. The written determination, including any sanctions imposed, will be included in the parties' University files. The written determination shall be final, subject only to the right of appeal set forth in *Appeals* below.

SPECIAL PROCEDURE CONCERNING COMPLAINTS AGAINST THE PRESIDENT, THE TITLE IX COORDINATOR, OR OTHER ADMINISTRATORS RANKED HIGHER THAN THE TITLE IX COORDINATOR

If a complaint involves alleged conduct on the part of the University's President, the University's Board of Trustees ("Board") will designate the Investigating Officer. Based on the information gathered by the investigation, the Board will prepare and issue the written report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the Board is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the President will designate the Investigating Officer. Based on the information

gathered by the investigation, the President will prepare and issue the written report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the President is final and not subject to appeal.

APPEALS

Grounds for Appeal

The complainant or respondent may appeal the determination of a complaint on the following grounds only:

- **Question of Fact:** there is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer and Panel, would result in a different determination. Evidence known to the appealing party at the time of investigation or Panel hearing, but withheld, shall not constitute a question of fact and will not be considered upon appeal;
- **Question of Procedure:** there was a procedural error significant enough to have affected the ultimate determination;
- **Severity of Sanction:** the sanction, punishment, or the corrective action imposed is disproportionate to the violation. Mere dissatisfaction with the sanction is not grounds for appeal.

Appeals for cases involving students must be filed with the Title IX Coordinator or Deputy Title IX Coordinator, or designee, within five (5) business days of receipt of the notification of determination. The documentation will be forwarded to the Appeals Officer. Appeals for cases involving employees must be filed with the Vice President for Finance and Administration. The appeal must be in writing and contain all of the following information:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any

When an appeal has been filed, the non-appealing party will be notified of such in writing. The appealing party may request a meeting with the Appeals Officer, but the decision to grant a meeting is left to the Appeals Officer's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

Resolution of the Appeal

The Appeals Officer will resolve the appeal within ten (10) business days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision. The parties will be notified in writing if the Appeals Officer's decision will take longer than ten (10) business days. The decision of the Appeals Officer is final. The Appeals Officer shall issue a written statement of the resolution of the appeal, including any changes made to the Investigating Officer's previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator or designee.

OTHER INFORMATION

Academic Freedom

While the University is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

Education

Because the University recognizes that the prevention of sexual misconduct is important, it offers educational programming on an annual and ongoing basis to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of athletic teams and other student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; how to make a complaint; the identities and roles of the Title IX Coordinator, Deputy Title IX Coordinator, confidential advisors, and other resources; safe and positive options for bystander intervention; and risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator, Deputy Title IX Coordinator, or designee.

APPENDIX A: SUPPORT, SERVICES, & REPORTING

ON AND OFF CAMPUS SUPPORT AND SERVICES

<p>HEALTH SERVICES Beth Allan, RN, MSN, CSN, NP-C Director of Health & Counseling Services (618) 537-6503 baallan@mckendree.edu 513 Stanton Street Lebanon, IL 62254</p> <p>Mon – Thurs, 8am - 4:30pm Friday 8am- 2pm http://www.mckendree.edu/offices/health-services</p>	<p>COUNSELING SERVICES Melissa McHenry, M.A., M.S., L.C.P.C. Assistant Director of Health & Counseling Services (618) 537-6416 msmchenry@mckendree.edu</p> <p>Charles Gregory, M.A., L.C.P.C., L.P.C. University Counselor (618) 537-6975</p> <p>Laura Harrawood, Ph.D., L.C.P.C. University Counselor (618) 537-6137</p> <p>Hours: Mon – Fri, 8am – 4:30pm http://www.mckendree.edu/offices/counseling-services</p>
<p>CENTER FOR FAITH AND SPIRITUALITY Rev. Dr. Tim Harrison, Chaplain (618) 537-6962 btarris@mckendree.edu Bothwell Chapel, 1st Floor 701 College Road Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm https://www.mckendree.edu/student-life/involvement/campus-ministries</p>	<p>TITLE IX COORDINATOR AND DEPUTY COORDINATOR Shirley Baugh Director of Human Resources (618) 537-6533 sabaugh@mckendree.edu</p> <p>Joni Bastian, Ph.D Vice President for Student Affairs (618) 537-6555 jjbastian@mckendree.edu</p> <p>Hours: Mon – Fri, 8am – 5pm http://www.mckendree.edu/offices/hr</p>
<p>CALL FOR HELP SEXUAL ASSAULT VICTIM CARE UNIT 24/7 Hotline: (618) 397-0975 http://www.callforhelpinc.org</p> <p>9400 Lebanon Road East St. Louis, IL 62203 (618) 397-0968</p>	<p>RAINN (Rape, Abuse and Incest National Network) 24/7 Hotline: (800) 656-HOPE http://www.rainn.org</p>
<p>VIOLENCE PREVENTION CENTER, SOUTHWESTERN ILLINOIS 24/7 Hotline: (618) 235-0892 or (800) 924-0096 https://www.vpcswi.org/</p> <p>P.O. Box 831 Belleville, IL 62222 (618) 236-2531 ext. 140</p>	<p>SAFE CONNECTIONS 24/7 Hotline: (314) 531-2003 http://www.safeconnections.org/</p> <p>2165 Hampton Avenue St. Louis, MO 63139 Office Phone: (314) 646-7500</p>

ON AND OFF CAMPUS SUPPORT AND SERVICES (CON'T)

<p>ALIVE (Alternatives to Living in Violent Environments) 24/7 Hotline: (314) 993-2777 http://www.alivestl.org</p>	<p>MEMORIAL HOSPITAL EAST (618) 607-1000 1404 Cross Street Shiloh, IL 62269</p>
<p>ST. ELIZABETH'S HOSPITAL (618) 234-2120 1512 N. Green Mount Road O'Fallon, IL 62269</p>	<p>ST. JOSEPH'S HOSPITAL, HIGHLAND (618) 651-2600 12866 Troxler Avenue Highland, IL 62249</p>
<p>THE SAINT LOUIS ANTI-VIOLENCE PROJECT http://www.stlavp.org Contact: http://www.stlavp.org/contact-us.html</p>	<p>MCKENDREE UNIVERSITY PUBLIC SAFETY Emergency Assistance Line (618) 537-6911 Emergency Cell Phone (618) 792-3500 535 N. Monroe Street Lebanon, IL 62254 Hours: 24 /7 http://www.mckendree.edu/offices/public-safety</p>
<p>ST. MARTHA'S HALL 24/7 Hotline: (314) 533-1313 http://saintmarthas.org/</p>	<p>LEBANON POLICE DEPARTMENT (618) 537-4955 403 W. St Louis Street Lebanon, IL 62254 Hours: 24/7</p>

PRIVILEGED AND CONFIDENTIAL REPORTING

<p>HEALTH SERVICES Beth Allan, RN, MSN, CSN, NP-C Director of Health & Counseling Services (618) 537-6503 baallan@mckendree.edu 513 Stanton Street Lebanon, IL 62254 Mon – Thurs, 8am - 4:30pm Friday 8am- 2pm http://www.mckendree.edu/offices/health-services</p>	<p>COUNSELING SERVICES Melissa McHenry, M.A., M.S., L.C.P.C. Assistant Director of Health & Counseling Services (618) 537-6990 msmchenry@mckendree.edu 509 Stanton Street Lebanon, IL 62254 Hours: Mon – Fri, 8am – 4:30pm http://www.mckendree.edu/offices/counseling-services</p>
<p>CENTER FOR FAITH AND SPIRITUALITY Rev. Dr. Tim Harrison, Chaplain (618) 537-6962 btharris@mckendree.edu Bothwell Chapel, 1st Floor 701 College Road Lebanon, IL 62254 Hours: Mon – Fri, 8am – 5pm https://www.mckendree.edu/student-life/involvement/campus-ministries</p>	<p>COUNSELING SERVICES Charles Gregory, M.A., L.C.P.C., L.P.C. University Counselor (618) 537-6975 Laura Harrawood, Ph.D., L.C.P.C. University Counselor (618) 537-6137</p>

NON-CONFIDENTIAL REPORTING

<p>TITLE IX COORDINATOR Shirley Baugh Director of Human Resources (618) 537-6533 sabaugh@mckendree.edu 501 Stanton Street Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm http://www.mckendree.edu/offices/hr</p>	<p>DEPUTY TITLE IX COORDINATOR Joni Bastian, P.h.D. VP for Student Affairs (618) 537-6555 jjbastian@mckendree.edu Clark Hall 108 701 College Road Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm http://www.mckendree.edu/offices/student-affairs</p>
<p>MCKENDREE UNIVERSITY PUBLIC SAFETY Emergency Assistance Line (618) 537-6911 Emergency Cell Phone (618) 792-3500 535 N. Monroe Street Lebanon, IL 62254</p> <p>Hours: 24 /7 http://www.mckendree.edu/offices/public-safety</p>	<p>LEBANON POLICE DEPARTMENT (618) 537-4955 403 W. St Louis Street Lebanon, IL 62254 Hours: 24/7</p>
<p>RESIDENCE LIFE OFFICE (618) 537-6855</p> <p>On Call Resident Director (618) 920-9447</p> <p>Clark Hall 109 701 College Road Lebanon, IL 62254</p>	