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outstanding students**

# Annual Campus and Security/Fire Safety Report

## McKendree University

2021

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*Introduction:*

*McKendree University is required to prepare this report in compliance with the Jeanne Clery Disclosure of Campus Security Disclosure Policy and Crime Statistics Act and the Campus Security Enhancement Act. Included are statistics covering the three previous calendar years of reported crimes occurring on campus, on specific off-campus property owned or controlled by McKendree University, on public property within or immediately adjacent to and accessible from the campus. This annual report also includes statistics of specified crimes reported to local police that occurred on or near any campus or non-campus property where McKendree students study.*

*The Clery Act requires that in addition to campus law enforcement and staff designated as Campus Security Authorities (CSA) provide statistics for this report. CSAs are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, discipline, housing, athletics, human resources or judicial proceedings. Also included in this report are safety and security policy statements for McKendree University.*

*This report is distributed and made available to all current students and employees through on-line access at: [www.mckendree.edu](http://www.mckendree.edu) or viewed at the Holman Library on campus, the Office of Public Safety, the Office of Administration and Finance or the Office of Student Affairs. A paper copy of this report may be obtained by request from the Office of Student Affairs or Vice Chancellor of Administration.*

## **THE CLERY ACT**

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)* is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The *Clery Act* affects virtually all public and private IHEs and is enforced by the U.S. Department of Education (ED). Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The *Clery Act*, formerly known as the *Crime Awareness and Campus Security Act*, was signed in 1990 and is named after 19-year-old Jeanne Clery who was raped and murdered in her Lehigh University residence hall in 1986. The *Clery Act* was amended in 2008 and the Security on Campus Web site includes a summary of those amendments.

The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged if and when, they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

*Pastoral Counselor:*

A person who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor:*

A person whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

*Procedures to report criminal actions or other emergencies occurring on campus*

To assist in the protection of property and safety of personnel, the university provides a Department of Public Safety. The Public Safety Office is located at 535 N. Monroe. The Public Safety Office may be reached by telephone at (618) 537-6911. Dial 9-911 from a faculty or staff phone or 7-911 from a student phone for the Lebanon Police and Fire Departments or Emergency Medical Services Residence Life Staff. Selected Physical Plant personnel can communicate directly with the Public Safety Department via two-way radio. The Public Safety Department is capable of radio communication with the Lebanon Police and Fire Departments.

*Response to reports of criminal actions or other emergencies occurring on campus - (Kentucky Centers report criminal activity to the local police department)*

The Department of Public Safety staff will respond to all criminal actions and/or emergencies occurring on campus. The Lebanon Police Department will respond to reports of criminal actions or emergencies when requested.

***Policies concerning campus law enforcement***

The Department of Public Safety is established by Illinois Revised Statute Chapter 144, Section 2951 and McKendree Policies and Procedures Section 5.3.14. The staff of the Department of Public Safety consist of sworn commissioned officers and non-sworn officers. An effective working relationship is maintained with the Lebanon Police Department.

***Security of and access to campus facilities –  
Security considerations in the maintenance of campus facilities***

The University has written policies concerning access to campus facilities. The policy states that no person will enter into and/or utilize any university facility without proper authorization. Residence facilities are locked 24/7. All faculty, staff and student members of the university community are issued a personalized identification card, with their picture, identifying the bearer as a member of the campus community. The Department of Public Safety staff conducts weekly checks of campus lighting and reports all inoperative lights to the Physical Plant for repair. Inspections of fire warning and fire suppression systems are conducted on a routine basis.

***Notices and publication of security concerns***

Students and employees of the university are informed about safety and security concerns through the university newspaper, new student orientations, employee/student handbooks, on-line notification or any other means deemed necessary by the University.

### ***Information concerning registered sex offenders in the State of Illinois***

Information about local sex offenders registered with the State of Illinois as required by Illinois law may be obtained at the Illinois State Police web site, [www.isp.state.il.us](http://www.isp.state.il.us), or by contacting the Lebanon Police Department at 403 West St. Louis Street, Lebanon, IL 62254 or by calling the Lebanon Police Department at (618) 537-6131 or (618) 537-4955.

#### **EMERGENCY SERVICES**

McKendree University  
Department of Public Safety  
535 N. Monroe  
701 College Road  
Lebanon, IL 62254  
(618) 537-6911

#### **Local Law Enforcement**

Lebanon Police Department  
312 W Saint Louis Street  
Lebanon, IL 62254  
(618) 537-4955

Mascoutah Police Department  
3 W Main Street  
Mascoutah, IL 62258  
(618) 566-2976

Illinois State Police, District 11  
1100 East Port Plaza Drive  
Collinsville, IL 62234  
(618) 346-9990

St. Clair County Sheriff's Department  
700 North 5<sup>th</sup> Street  
Belleville, IL 62220  
(618) 277-3505

#### **Hospitals**

St. Elizabeth's Hospital  
211 South 3rd Street  
Belleville, IL 62220  
(618) 234-2120

St. Joseph's Hospital  
1515 Main Street  
Highland, IL 62249  
(314) 362-7578

Memorial Hospital  
4500 Memorial Drive  
Belleville, IL 62226  
(618) 233-7750

Barnes-Jewish Hospital  
One Barnes-Jewish Hospital Plaza  
St. Louis, MO 63110  
(314) 747-3000

Memorial Hospital East  
1404 Cross Street  
Shiloh, IL 62269

St. Louis University Hospital  
3635 /vista Avenue  
St. Louis, MO 63110  
(314) 577-8000

St. Joseph's Hospital

9515 Holy Cross Lane  
Breese, IL 62230  
(618) 526-4571

#### **MCKENDREE UNIVERSITY HEALTH SERVICES DEPARTMENT**

Medical care at McKendree University is provided through a 10-month nurse directed Health Services Department, Monday – Friday, 8:00 a.m. – 5:00 p.m. Health and Counseling Services are located on the Lower Level of Clark Hall. Health services include assessment and treatment of common illnesses, injuries and medical problems, health education and referrals for injuries or medical problems. Confidential admission, medical exams and immunization files are kept in the health services office and a registered nurse can offer over-the-counter medications. For more information, please call (618) 537-6503.

#### *Counseling Services*

Comprehensive counseling services are offered for students free of charge during the academic year. The counseling services at McKendree University are totally confidential and provided by licensed professional clinical staff. For more information, please call (618) 537-6416 or (618) 537-6502.

## EMERGENCY NOTIFICATION AND TIMELY WARNINGS: ALERTING YOUR CAMPUS COMMUNITY

### ***Campus Alert System***

In an ongoing effort to better disseminate campus alerts, McKendree University has implemented an emergency alert system. The alert system will send information regarding emergency conditions, including weather cancellations and delays. To receive these emergency messages, you must be registered. This service is currently available for the Lebanon, Illinois campus only. The alerts are delivered via the following methods: mobile phone (text messages) or email. Students are encouraged to sign up for the Campus Alert when they register for their Spring or Fall classes. For questions regarding the Campus Alert System, please contact the help desk at (618-537-6445) or [HelpDesk@mckendree.edu](mailto:HelpDesk@mckendree.edu) or visit [www.mckendree.edu](http://www.mckendree.edu).

### ***Crime Alerts and Timely Warnings***

McKendree University issues crime alerts and timely warnings to students and faculty when serious crimes have occurred or emergency response alerts are required. Alert notices and warnings are sent via the Alertus Computer System, by mass email or through campus-wide text alert. Alerts and warnings are given when serious crimes create a continuing risk to students and employees on campus and in surrounding communities.

When issuing a crime alert or emergency response warning the Director of Public Safety, Director of Operations, Campus Official, or their designee will send notice that a crime has occurred or is in progress. Students and faculty will be advised regarding the nature of the incident and the appropriate action needed to ensure their safety.

## CRIME LOG

The Department of Public Safety compiles a Daily Crime Log (online at <http://www.mckendree.edu/clery>) that list offenses for which a report has been generated by Public Safety. The Daily Crime Log includes but is not limited to: the date/time the offense occurred, the date/time the offense was recorded, nature of the crime, general location of the crime and the disposition of the report. The Crime Log does not include confidential reports or information.

The most recent 60 days of the Daily Crime Log is available to view in hard copy format at the Public Safety Office, 535 N. Monroe, from 8 a.m. – 4 p.m., Monday through Friday, excluding Holidays and/or when the University is shutdown. To request copies of the past 60 days of the Crime Log, contact the Department of Public Safety at (618) 537-6511. Please allow at least 2 business days to complete the request.

### ***Campus Crime Statistics***

The crime statistics listed below are provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. All crimes and disciplinary referrals reported for *Residential Facilities* are included as a subdivision of crimes and referrals in the On Campus Property category.



**Lebanon Campus**  
**Statistical Annual Report 2020**  
**Criminal Offenses**

OFFENSE	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Total
Aggravated Assault	2019	0	0	0	0	1
	2020	1	0	0	0	1
	2021	2	0	0	0	2
Arson	2019	3	3	0	0	3
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	14	14	0	14	14
	2020	3	3	0	3	3
	2021	7	5	0	7	7
Motor Vehicle Theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Totals	2019	3	3	0	3	3
	2020	1	1	0	1	1
	2021	5	5	0	5	5
Sex Offenses: Rape	2019	3	3	0	3	3
	2020	1	1	0	1	1
	2021	4	3	0	4	4
Sex Offenses: Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	1	1	0	1	1
Sex Offenses: Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	0	0	0	0	0



Sex Offenses: Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Arrest)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Disciplinary Referral)	2019	135	133	0	0	135
	2020	65	65	0	0	65
	2021	140	136	0	0	140



**Lebanon Campus**  
**Statistical Annual Report 2020**  
**Arrests and Judicial Referrals**

INCIDENT DATE between January 1, 2021 and December 31, 2021

OFFENSE	Year	On-Campus Property	**Residential Facilities	Non-Campus Property	Public Property	*Total
ARRESTS	2019	0	0	0	0	0
Liquor Law	2020	0	0	0	0	0
Violations	2021	0	0	0	0	0
ARRESTS	2019	1	1	0	0	1
Drug Abuse	2020	0	0	0	0	0
Violations	2021	0	0	0	0	0
ARRESTS	2019	1	1	0	0	1
Illegal Weapons	2020	0	0	0	0	0
Violations	2021	0	0	0	0	0
JUDICIAL REFERRALS	2019	97	97	0	0	97
Liquor Law	2020	50	50	0	0	50
Violations	2021	96	95	0	0	96
JUDICIAL REFERRALS	2019	35	33	0	0	35
Drug Abuse	2020	14	14	0	0	14
Violations	2021	41	41	0	0	41
JUDICIAL REFERRALS	2019	3	3	0	0	3
Illegal Weapons	2020	1	1	0	0	1
Violations	2021	3	0	0	0	3

\*TOTAL = ON-CAMPUS + NONCAMPUS + PUBLIC PROPERTY

\*\* Crimes reported in the residential facilities column are included in the on-campus category

Not all law enforcement agencies responded to the University's request for Clery reportable crime statistics



Lebanon Campus  
 Statistical Annual Report 2020  
 Domestic Violence/Dating Violence/Stalking

OFFENSE	YEAR	ON-CAMPUS PROPERTY	**RESIDENTIAL FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	* TOTAL	UNFOUNDED
Domestic Violence	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	2	1	0	0	2	1
Dating Violence	2019	1	1	0	0	1	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Stalking	2019	1	1	1	0	2	0
	2020	0	0	0	0	0	0
	2021	0	0	1	0	1	0

\*TOTAL = ON-CAMPUS + NONCAMPUS + PUBLIC PROPERTY

\*\* Crimes reported in the residential facilities column are included in the on-campus category

Not all law enforcement agencies responded to the University's request for Clery reportable crime statistics.



**Shepardsville Campus**  
**Statistical Annual Report 2020**  
**Criminal Offenses**

OFFENSE	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Total
Aggravated Assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Totals	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	0	0	0	0	0

Sex Offenses: Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Arrest)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Disciplinary Referral)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0



**Radcliff Campus**  
**Statistical Annual Report 2020**  
**Criminal Offenses**

OFFENSE	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Total
Aggravated Assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Totals	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	0	0	0	0	0

Sex Offenses: Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Arrest)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Disciplinary Referral)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

## Scott Air Force Base Campus

### Statistical Annual Report 2020

### Criminal Offenses

OFFENSE	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property	Total
Aggravated Assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Totals	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses: Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	0	0	0	0	0



Sex Offenses: Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Arrest)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Violations of Weapons, Drugs, and Liquor laws (Disciplinary Referral)	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0



**Lebanon Campus**  
**Statistical Annual Report 2020**  
**Hate Crimes**

Category of Prejudice	Year	Race	Gender	Religion	Sexual Orientation	Ethnicity	Disability
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Non-Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Aggravated Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Simple Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Intimidation	2019	0	1	0	1	0	0
	2020	1	0	0	0	0	0
	2021	5	0	0	0	0	5
Destruction: Damage or Vandalism of Property	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0



Shepherdsville, KY Campus  
Statistical Annual Report 2020  
Hate Crimes

Category of Prejudice	Year	Race	Gender	Religion	Sexual Orientation	Ethnicity	Disability
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Non-Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Aggravated Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Simple Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Destruction: Damage or Vandalism of Property	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0



**Radcliff Campus**  
**Statistical Annual Report 2020**  
**Hate Crimes**

Category of Prejudice	Year	Race	Gender	Religion	Sexual Orientation	Ethnicity	Disability
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Non-Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Aggravated Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Simple Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Destruction: Damage or Vandalism of Property	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0



Scott Air Force Base Campus  
Statistical Annual Report 2020  
Hate Crimes

Category of Prejudice	Year	Race	Gender	Religion	Sexual Orientation	Ethnicity	Disability
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Sex Offenses: Non-Forcible	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Aggravated Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Theft	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Simple Assault/Battery	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Destruction: Damage or Vandalism of Property	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0

## FIRE LOG

A Daily Fire Log (available online at <http://www.mckendree.edu/cleary/>) is maintained in the Department of Public Safety to record all fires in the on-campus student's residence halls. Fires are recorded by date reported and include the nature, date, time and general location. The fires recorded in the log are reported to the campus community on an annual basis via the Annual Campus and Security/Fire Safety Report.

The following Fire Statistics for McKendree University's residence halls are provided in compliance with the Jeanne Clery Disclosure of Campus Security Disclosure of Policy and Crime Statistics Act:

### Residence Halls

Baker Hall

Barnett Hall

McKendree West

New Residence Hall - East

New Residence Hall - West

The Suites

Walton Hall

Monroe Street (Gomric) Apartments

## Fire Statistics 2019

### Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire #	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Baker Hall 701 College Road	0	0		0	0	0
Barnett Hall 701 College Road	0	0		0	0	0
McKendree West #01 1201 College Rd	0	0		0	0	0
McKendree West #03 1203 College Rd	0	0		0	0	0
McKendree West #05 1205 College Rd	0	0		0	0	0
McKendree West #07 1207 College Rd	0	0		0	0	0
McKendree West #11 1211 College Rd	0	0		0	0	0
McKendree West #13 1213 College Rd	0	0	0	0	0	0
McKendree West #15 1215 College Rd	0	0		0	0	0
Residence Hall East 701 College Road	0	0		0	0	0
Residence Hall West 701 College Road	0	0		0	0	0
Suites 701 College Road	0	0		0	0	0
Walton Hall 701 College Road	3	3	Arson	0	0	0
Perryman Apartments	0	0		0	0	0
Hunter Street Apartments	0	0		0	0	0
Monroe Street Apartments (Gomric)	0	0		0	0	0
Triplex	0	0		0	0	0



## Fire Statistics 2020

### Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire #	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Baker Hall 701 College Road	0	0		0	0	0
Barnett Hall 701 College Road	0	0		0	0	0
McKendree West #01 1201 College Rd	0	0		0	0	0
McKendree West #03 1203 College Rd	0	0		0	0	0
McKendree West #05 1205 College Rd	0	0		0	0	0
McKendree West #07 1207 College Rd	0	0		0	0	0
McKendree West #11 1211 College Rd	0	0		0	0	0
McKendree West #13 1213 College Rd	0	0		0	0	0
McKendree West #15 1215 College Rd	0	0		0	0	0
Residence Hall East 701 College Road	0	0		0	0	0
Residence Hall West 701 College Road	0	0		0	0	0
Suites 701 College Road	0	0		0	0	0
Walton Hall 701 College Road	0	0		0	0	0
Perryman Apartments	0	0		0	0	0
Hunter Street Apartments	0	0		0	0	0
Monroe Street Apartments (Gomric)	0	0		0	0	0
Triplex	0	0		0	0	0





## Fire Statistics 2021

### Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire #	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Baker Hall 701 College Road	0	0		0	0	0
Barnett Hall 701 College Road	0	0		0	0	0
Walton Hall 701 College Road	0	0		0	0	0
Suites 701 College Road	0	0		0	0	0
Hunter St Apartments	0	0		0	0	0
Triplex	0	0		0	0	0
Residence Hall East 701 College Road	1	2		0	0	\$800
Residence Hall West 701 College Road	0	0		0	0	0
McKendree West #01 1201 College Rd	0	0		0	0	0
McKendree West #03 1203 College Rd	0	0		0	0	0
McKendree West #05 1205 College Rd	0	0		0	0	0
McKendree West #07 1207 College Rd	1	1		0	0	\$150
McKendree West #11 1211 College Rd	0	0		0	0	0
McKendree West #13 1213 College Rd	0	0		0	0	0
McKendree West#15 1215 College Road	0	0		0	0	0
McKendree West#17 1217 College Road	0	0		0	0	0
McKendree West#19A 1219A College Road	0	0		0	0	0
McKendree West#19B 1219B College Road	0	0		0	0	0

In order to ensure the safety of the McKendree campus community, the Office of Public Safety is responsible for maintaining a safe and orderly environment on the campus, assisting members of the University community as needed, responding to emergency situations including fire alarms, inclement weather alarms and other incidents; and enforcing parking and other university policies. Public Safety officers work to create an environment where people can feel safe to learn, work, live and visit, and is committed to providing safety and protection to the entire University community.

McKendree University also offers campus safety and security services such as 24-hour foot and vehicle patrols, late night transport/escort service, 24-hour emergency telephones, lighted pathways/sidewalks and controlled dormitory access (key, security card, etc.). Of the students at McKendree University, 85 percent have cars on campus. Alcohol is not permitted for students of legal age at McKendree University.

Public Safety is responsible for enforcing University policies which directly affect the maintenance of a safe and secure environment on the campus. However, it is the responsibility of all members of the University community to know and understand the University's policies as outlined in the **Student Handbook** and **Employee Handbook**. It should also be noted that any actions which are prohibited under local, state or federal law also violate University policy, and Public Safety officers are required by law to intervene in such cases.

Campus safety and security is a community responsibility. Public Safety officers rely upon others in the community to cooperate by reporting all incidents and activity which might cause injury to others or to property, and by behaving in a manner consistent with the University's rules and regulations.

### *Campus Law Enforcement Authority*

McKendree University Department of Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at McKendree. Public Safety officers also have the authority to issue parking tickets, which are billed to financial accounts of students, faculty and staff. Public Safety officers do possess arrest power. Criminal incidents may be referred to the local police who have jurisdiction on the campus. The Public Safety office maintains a highly professional working relationship with the St. Clair County Sheriff's Department and the Lebanon Police Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to Public Safety and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

***Public Safety hours of operation:*** Monday - Sunday, 24 hours a day/7 days a week located at 535 N. Monroe. Telephone: (618) 537-6911

When leaving a message for the Office of Public Safety, please be sure to include your name, your location and a phone number where you can be contacted. Students in the residence halls should also contact the residence life staff on duty, who can summon public safety officers by phone.

### ***Voluntary Confidential Reporting***

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director or a designee of the Department of Public Safety can file a report on the details of the incident without revealing your identity. With such information, McKendree University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a

particular location, method, or assailant and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the University.

### ***Limited Voluntary Confidential Reporting***

The Department of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Department of Public Safety cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other McKendree campus security authorities such as a Dean of Students, Director of Residence Life, Resident Director or Resident Assistant. Confidential reports of crime may also be made to St. Louis Crime Stoppers Hotline at 866-371-TIPS or (8477).

### ***Services***

#### ***Emergency Phones***

24-hour blue light emergency telephones are strategically placed in four locations on campus: Circle Drive, MPCC, McKendree West and Parking Lot – E. Any student experiencing an emergency, including medical emergencies, may pick up a blue light phone and push the button and an officer will be immediately dispatched.

#### ***Lockouts and Jumpstarts***

Public Safety officers often assist students locked out of their rooms, as well as community members who are locked out of their vehicles. Anyone needing a jump start is also encouraged to contact the Office of Public Safety.

#### ***Campus Parking and Decals***

All students, faculty and staff are required to display a University issued parking permit on their vehicle when parked in a campus parking lot. Decals can be obtained from the Office of Public Safety.

#### ***Lost and Found***

~ Lost something?

Call or stop by the Office of Public Safety Office and we can check our records.

~ Found something?

Please bring it to the Office of Public Safety Office

#### ***Safety Tips:***

1. Exercise caution when walking on campus, especially at night. When possible, travel in groups and always keep an eye out for strangers when walking on campus.  
Drive carefully! Be extra cautious while driving in the parking lots.
2. Keep your doors locked at all times. Never leave car or residence hall room doors unlocked for any reason. Also, refrain from allowing others to use your car or to remain in your room unattended.

3. Report suspicious behavior to Public Safety. If you notice someone whom you do not recognize walking around campus or in the buildings unattended, contact Public Safety. All guests on the campus are supposed to be escorted at all times.
4. Refrain from using alcohol or other drugs. Use of alcohol tends to impair judgment, awareness, and motor functions, and therefore you are more likely to be injured or victimized. Remember that you are still responsible for your actions: alcohol is no excuse. Don't lose your head to alcohol or drugs!

The University's parking policy is designed to ensure that a large number of people can share limited resources. Therefore it is important for all members of the campus community to accept responsibility for adhering to the policy.

***All students, faculty and staff who wish to operate a vehicle on campus must:***

1. Bring their registration and license to register their vehicle with the Public Safety Office.
2. Obtain and properly display the appropriate parking permit.
3. Park only in the properly designated areas.
4. Refrain from parking in official spaces, spaces reserved for persons with disabilities, or areas reserved for emergency vehicles.
5. Exercise caution in driving on campus and observe all traffic ordinances.

Those who violate these policies can expect to receive a citation for the alleged violation. Citations can carry fines of up to \$250.00 or more depending on the violation and the number of offenses. Members of the University community may also have their campus driving privileges suspended.

## **SECURITY AWARENESS and CRIME PREVENTION PROGRAMS**

The Department of Public Safety and Residence Life staff provides security awareness and crime prevention presentation programs to students, parents and faculty during the Spring and Fall semesters. Information is given regarding emergency calls, alert notifications, alcohol abuse, drug use, sexual assaults, crime prevention measures and personal safety tips. Public Safety readily coordinates upon request with other University Departments and student organizations to provide crime prevention presentations throughout the school year.

## **FIRE**

In the event of a fire, students and employees should immediately report that a fire occurred to the following person(s): Police Officer, Public Safety Officer or University Official by calling (St. Clair County) 911 or Public Safety (618) 537-6911. *If no answer, call the Public Safety cell phone at (618) 792-3500.*

***When reporting an incident:***

- Stay on the line with the dispatcher.

- Provide address, location and incident description.
- Provide the phone number at your location.
- Provide a thorough description of the incident to assure appropriate resources are dispatched.

**REMEMBER:**

- Rescue persons in immediate danger.
- Activate nearest fire alarm.
- Confine the fire by closing doors, windows, etc.
- Extinguish fire, if trained to do so, using appropriate extinguisher.

**Stop, Drop and Roll:**

- If your clothes catch on fire, stop where you are, drop to the floor, and roll over and over to smother flames.
- Cover face with hands to prevent inhaling fumes.

## BUILDING EVACUATION

*In Case of Evacuation:*

- Do not evacuate unless told to do so or danger is imminent.
- Move in an orderly manner to the nearest exit. (Exit signs are located throughout the buildings.) -  
Remain calm, walk—do not run. Keep noise to a minimum.
- With back of hand, feel any closed doors for heat:
  - ~ *If not hot*, brace yourself against the door and open it slowly.
  - ~ *If hot, **DO NOT OPEN***. Seek an alternate escape route.
- Do not push or crowd. Hold onto hand rails in stairwells.
- Do not use elevators.
- If smoke is in the air, stay as close to the floor as possible. *Crawl if necessary.*  
(The cleanest air will be several inches off the floor.)
- Cover your nose and mouth with a wet cloth/paper towel, if possible.
- Assist people with disabilities. If relocating outside building, go to the Safe Refuge Area.
- Move to an assembly area at least 30 feet from the building and watch for falling debris.
- Do not re-enter the building until notified by Public Safety or other emergency response personnel.

**Evacuation Notification**

Announcements will be made on the McKendree emergency text messaging system, via email and by Public Safety Officers.

**ALL CLEAR SIGNAL:**

An announcement will be made via text message, email and by Public Safety Officers.

## BOMB THREAT

In the event of a bomb threat (whether you are verbally told or you see something that looks suspicious in the manner of a bomb), students and employees should immediately report it to the following person(s):

University Official, Police Officer by calling (St. Clair County) 911 or Public Safety Officer by calling (618) 537-6911. *If no answer, call the Public Safety cell phone at (618) 792-3500.*

***When reporting an incident:***

- Stay on the line with the dispatcher.
- Provide the phone number at your location.
- Provide address and location description.
- Provide a thorough description of the item or what you were told.
  - Where is the bomb located?
  - When is the bomb going to explode?
  - What does it look like?
  - What kind of bomb is it?
  - What will cause it to explode?
  - Did you place the bomb?
  - Why?
  - What is your address?
  - What is your name?

If you receive a bomb threat over the phone, be perceptive and listen for and try to detect the following:

- age of caller
- gender of caller
- race of caller
- any unusual voice characteristics

***Evacuation Notification***

Announcements will be made on the McKendree emergency text messaging system, via email and by Public Safety Officers.

***ALL CLEAR SIGNAL:***

An announcement will be made via text message, email and by Public Safety Officers.

## **ACTIVE SHOOTER**

In the event of an active shooting, students and employees should immediately report it to the following person(s): University Official, Police Officer by calling (St. Clair County) 911 or Public Safety Officer by calling (618) 537-6911. *If no answer, call the Public Safety cell phone at (618) 792-3500.*

***Active Shooter Responses***

- When Public Safety becomes aware of an “Active Shooter” situation or similar occurrence, they will call 911 and advise the Police of all available information.
- Individuals should dial 6 then 911 from a faculty or staff phone or 9 then 911 from a land line or 911 from a cell phone; residential students should dial 7 then 911 and advise them of all available information.
- Answer the questions asked by the 911 Operator or McKendree Public Safety.

- Provide the location and incident description. Tell them you are at McKendree University. -  
Provide the phone number at your location or your cell phone.

*What to report:*

- Tell the dispatcher/911 Operator exactly what the incident involves.
- What is the complaint and specific location?
- What is the description of the subject(s), if available? (i.e., race, gender, clothing, description)
- How many subject(s) are involved?
- Number of people at your specific location.
- Injuries, number of injured, type of injuries.
- Do not expose yourself or others to any unnecessary danger while reporting the incident.
- Take the appropriate action to safe guard yourself and others.
- Secure yourself/others in a place if you are able to lock the room you are in and barricade the door if possible.
- If you are unable to secure/lock the door to the room you are in, evacuate the area.
- If you are unable to evacuate, attempt to hide if possible.
- If no other options are available and your life and the lives of others are at stake, take whatever actions you are capable of to prevent the shooter from making you a victim.
- Take adequate cover/protection (i.e. concrete walls, thick desks, file cabinets).
- Turn off lights.
- Close blinds and block windows, if possible.
- Turn off radios and computer monitors.
- Silence cell phones.
- Keep occupants calm, quiet and out of sight.
- Place signs in exterior windows to identify the location of injured persons.
- The Police will respond, but it will take several minutes. Protect yourself and others until the police arrive using whatever means available.

***Evacuation Notification***

Announcements will be made on the McKendree emergency text messaging system, via email and by Public Safety Officers.

***ALL CLEAR SIGNAL:***

An announcement will be made via text message, email and by Public Safety Officers.

**MISSING STUDENT NOTIFICATION POLICY**

*Student Contact Information and Notification of Policy Procedures:*

Students may designate their emergency contact information on the housing application. The policy information is available to the Office of Residence Life, Student Affairs and Public Safety. The University procedures for notifying students include posting the policy on the Office of Residence Life web site, sending the policy to students by University e-mail and by delivering a hard copy through the residence life staff, and including the policy in the McKendree University **Student Handbook**.

A student shall be deemed missing when he or she is absent from the University and/or has been reported missing by another individual without any known reason for more than 24 hours. All reports of missing students shall be directed to Public Safety and Student Affairs which shall investigate each report. After the

student has been determined missing, Public Safety will immediately notify the Lebanon Police Department. All students shall have the opportunity to identify an individual to be contacted by the University in case a student is determined to be missing, or in other types of emergencies. If a missing student is under 18 years of age, the Vice President for Student Affairs is required to notify the parent or guardian of the missing student not later than 24 hours after the determination that the student is missing. The Vice President for Student Affairs, or his designate, shall have the responsibility to make the provisions of this policy and the institutional procedures for a missing person available to students.

#### *Procedure:*

Anyone who suspects a student may be missing should notify Public Safety, the Director of Residence Life, or the Office of Student Affairs immediately. In conjunction, the Student Affairs Office and Public Safety will investigate the situation and then determine if the student is missing. The Vice President for Student Affairs or his designate will notify the President. Public Safety will notify the Lebanon Police Department within 24 hours after determining that the student is missing. The Vice President for Student Affairs will notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing. If the missing student is under the age of 18, the Vice President for Student Affairs will notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing.

## **STUDENT COMPLAINT POLICY**

From time to time, students may encounter significant concerns that warrant formal complaints to be filed with McKendree University officials. The following information is provided to inform students where to file formal complaints about McKendree faculty, staff, facilities, policies or services. Formal complaints should be made in writing to the Initial Contact Person. If not resolved by the Initial Contact Person, students may file further complaints with the Senior Administrator. Complaints that are not resolved by the Senior Administrator may be forwarded to the President of the University. All formal complaint documents will be maintained by the Senior Administrator. For further information, please visit [Student Complaint Policy](#).

## **SEXUAL MISCONDUCT POLICY**

### **Sexual Misconduct Policy & Complaint Resolution Procedures**

McKendree University is committed to providing a learning, working, and living environment that promotes personal 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 violence is a particularly severe form of sexual harassment. These terms are defined in Section IV, below.

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 (the "University Community"). 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. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination.

The University has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Dr. Joni Bastian  
Dean of Students  
106 Clark Hall  
701 College Road  
Lebanon, Illinois 62254  
Phone: (618) 537-6555  
E-mail: [jjbastian@mckendree.edu](mailto:jjbastian@mckendree.edu)

The University has also designated the following Deputy Title IX Coordinator to assist the Title IX Coordinator in carrying out his or her duties under this policy:

Ms. Jennifer Miller  
Assistant Vice President for Student Affairs  
106 Clark Hall  
701 College Road  
Lebanon, Illinois 62254  
Phone: (618) 537-6572  
E-mail: [jrmiller@mckendree.edu](mailto:jrmiller@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](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

**Sexual Misconduct** is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. This term will be used throughout the remainder of this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct.

**Sex Discrimination** occurs when persons are excluded from participation in, or denied the benefits of, any University program or activity because of their sex. Sex discrimination can include adverse treatment based on one's sex, as well as the other prohibited conduct outlined below.

**Sexual Harassment** is unwelcome conduct of a sexual nature and includes sexual advances, requests for sexual favors, and other verbal, physical, visual, or digital conduct of a sexual nature when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

#### Examples:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, humor, or gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- Social media use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined below)

**Sexual Violence** is a particularly severe form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

#### Examples:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Unwilling sexual penetration (anal, vaginal, or oral) or other sexual touching with any object or body part that is committed by force, threat, intimidation, or otherwise without consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Sexual exploitation, which includes, but is not limited to, the following:
- Sexual voyeurism
- Use of the "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Secretly videotaping or photographing sexual activity where the other party has not consented
- Disseminating sexual pictures or videos of another person without consent regardless if the pictures or videos were obtained with consent
- Prostituting another person

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent; a person's lack of verbal resistance or submission resulting from the use or threat of force does not constitute consent
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent

**Warning signs of when a person may be incapacitated due to drug and/or alcohol use:**

- Slurred speech, falling down, passing out, and vomiting
- If a person is asleep or unconscious, there is no consent
- A person who is under age in the applicable jurisdiction cannot provide consent to sexual activity
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity
- Consent to past sexual activity does not imply consent to other forms of sexual activity

- Dressing in a certain manner does not constitute consent
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another
- Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee)

### **Domestic Violence, Dating Violence, and Stalking**

The crimes of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person's sex. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the Complaint Resolution Procedures below.

**Domestic Violence** includes felony or misdemeanor crimes of 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 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.

- The definition of domestic violence under Illinois law can be found at 750 ILCS 60/1
- Domestic battery, a form of domestic violence, is also defined in Illinois law at 720 ILCS 5/12-0.1 and 5/12-3.2

**Dating Violence** means 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.

- Illinois law does not specifically define dating violence, but conduct of this nature is covered by the definitions of domestic violence and domestic battery noted above.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- Stalking can include conduct that occurs via social media (i.e., "cyberstalking")
- The definition of stalking under Illinois law can be found at 720 ILCS 5/12-7.3

## **ROLES AND RESPONSIBILITIES**

### **Title IX Coordinator**

It is the responsibility of the Title IX Coordinator to: (1) ensure the University's compliance with Title IX; (2) identify and address any patterns or systemic problems of sexual misconduct at the University; (3) coordinate dissemination of information and education and training programs; (4) receive complaints under this policy; (5) assist members of the University Community in understanding that sexual misconduct is prohibited by this policy; (6) answer questions about this policy; (7) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; (8) direct individuals to other available resources both on campus and off campus; and (9) to implement the

Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures. The Deputy Title IX Coordinator will assist the Title IX Coordinator in carrying out these responsibilities.

### **Administrators, Deans, Department Chairs, and Other Managers**

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator and Deputy Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

**Employees** includes all faculty, staff, and administrators. It is the responsibility of employees to review this policy and comply with it.

**Students:** It the responsibility of students to review this policy and comply with it.

### **E. The University**

When the University is aware that a member of the University Community may have been subjected to or affected by conduct that violates this policy, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. The University will act in accordance with its Complaint Resolution Procedures.

## **Complaints and Reports**

### **Making a Complaint or Report of Sexual Misconduct**

#### **Employees**

All University employees have a duty to report sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator 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 if 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 those identified in Section VI.A.4 of this policy.

#### **Students**

Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator or Deputy Title IX Coordinator.

Students should be aware that all employees at the University, other than those identified in Section VI.A.4 below as confidential advisors, have an obligation to report information about sexual misconduct to the Title IX Coordinator 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 Section III above. 9

## **Other Persons**

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

## **Confidential Discussions**

If an individual desires to talk confidentially about his or her situation, there are resources available. The following confidential advisors are available to assist you and will not further disclose the information you provide, unless otherwise required to do so by law (e.g., if the victim is a minor):

### **Counseling Staff:**

Melissa McHenry, M.A., M.S., LCPC, (618) 537-6416

Charles Gregory II, M.A., LCPC, LPC, (618) 537-6975

Counselors may also be reached at (618) 537-6590

After hours (618) 975-4385

### **Chaplain:**

Reverend Dr. Beverly L. Wilkes-Null (618) 537-6962

All confidential advisors complete 40 hours of training regarding issues of sexual misconduct prior to appointment and complete 6 hours of additional training on an annual basis. They also are trained to have an understanding of the University's specific policy and processes for addressing sexual misconduct and resources available on campus and in the community.

There are also other confidential resources available. The following resources are available to assist you as well. While these resources will maintain your confidentiality, they are required to make a non-identifying report to the Title IX Coordinator so that the University can analyze whether there are patterns or systemic problems of sexual misconduct on campus. These resources are:

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

Lesa Auten, (618) 537-6503

## **Electronic Reporting Option**

<https://publicdocs.maxient.com/incidentreport.php?mckendreeUniv>

Within twelve (12) hours of receiving an electronic report, the University will respond to the reporter through verbal, written, or electronic communication.

## **Anonymous Reporting Option**

Anonymous complaints will be accepted by the University, although it is often difficult to gather facts and conduct a thorough investigation via anonymous complaints. The University has an anonymous reporting system. An anonymous report may be completed through the electronic reporting option through the link shown above.

Employees cannot fulfill their mandatory reporting obligations under this policy using this anonymous reporting option.

## **Summary of Options and Other Available Resource**

Options for reporting and other resources, such as local law enforcement and community-based organizations, are outlined in Appendix A.

## **Content of the Complaint**

So that the University has sufficient information, a complaint being made for purposes of an investigation should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

### **Information Provided to Complainant and Respondent**

A complainant who makes a claim of sexual misconduct to the University will be given a copy of the document titled “Rights and Options After Filing a Complaint Under the University’s Sexual Misconduct Policy.” This document provides information about this policy and the Complaint Resolution Procedures used to investigate and resolve complaints of sexual misconduct, possible interim protective measures and accommodations that may be available, options for filing complaints with the local police, and resources that are available on campus and in the community, as well as other pertinent information. A person against whom a complaint has been filed will also be given similar information about the process and resources.

### **Conduct that Constitutes a Crime**

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual violence, domestic violence, dating 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 victim may decline to notify such authorities.

### **Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking**

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim’s fault. 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 are the victim of sexual violence, domestic violence, or dating 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, victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is 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. Victims may go to Memorial Hospital, East, located at 1404 Cross Street, Shiloh, Illinois, 62269 to obtain a medial 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 likely to be the only type of evidence available in cases of sexual harassment and stalking (other than witnesses).

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made to the University, 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 disciplinary 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
- Requesting further information about available resources

### **Vendors, Contractors, and Third-Parties**

This policy applies to the conduct of vendors, contractors, and third parties. Members of the University Community who believe they have been subject to sexual misconduct in violation of this policy by a vendor, contractor, or other third party can make a complaint in the manner set forth in this section.

### **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.

#### **14. Protecting the Complainant**

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the University will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, living, dining, transportation, or work situation, to the extent that the University has control over these environments, if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to McKendree University Public Safety or local law enforcement. 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 or Deputy Title IX Coordinator.

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 or Deputy Title IX Coordinator. The University, in conjunction with McKendree University Public Safety, will take all reasonable and legal action to implement the order.

### **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 disciplinary 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 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.

### **Timing of Complaints**

The University encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the University's ability to investigate and respond to the conduct complained of.



## **Investigation and Confidentiality**

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the University will take disciplinary 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 his or her 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, the Deputy Title IX Coordinator, 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.

## **Resolution**

If a complaint of sexual misconduct is found to be substantiated, the University will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from University programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

## **Bad Faith Complaints**

While the University encourages all good faith complaints of sexual misconduct, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

## **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 or the Deputy Title IX Coordinator.

## **Sexual Misconduct Complaint Resolution Procedures**

### **Applicability**

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct. To the extent there are any inconsistencies between these Complaint Resolution Procedures and other University grievance, complaint, or discipline procedures, these Complaint Resolution Procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.

### **Administration**

For purposes of these Complaint Resolution Procedures, “Investigating Officer” means the Title IX Coordinator and/or individual(s) designated by the Title IX Coordinator to investigate a particular complaint.

### **Promptness, Timeliness, Fairness and Impartiality**

These procedures provide for prompt, timely, fair, and impartial investigations and resolutions. All University officials involved in the investigation or appeal process shall discharge their obligations under these Complaint Resolution Procedures fairly and impartially. If an involved University official determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to administer these procedures.

### **Training**

These procedures will be implemented by University officials who receive a minimum of 8-10 hours of training on an annual basis on the issues related to sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### **Cooperation with Law Enforcement**

As necessary and when applicable, the University will contact and cooperate with law enforcement in situations involving sexual misconduct.

## **Investigation and Resolution of the Complaint**

### **Preliminary Matters**

#### **Timing of the Investigation**

The University will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

### **Informal Resolution**

Informal means of resolution, such as mediation, may be used 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
- Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging sexual assault

### **Interim Measures**

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Sexual Misconduct Policy.

### **Preponderance of the 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.

### **Support Person/Advisor**

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany him or her 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 his or her role in the process.

#### **6. Pending Criminal Investigation**

Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the University will assist the complainant in doing so. The pendency of a criminal investigation,

however, does not relieve the University of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the University will proceed with its own investigation and resolution of the complaint.

### **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 appeal determinations pursuant to Section III, below

### **Initial Notification**

Prior to commencement of the investigation, the complainant and the respondent shall (i) receive notice of the individual(s) with authority to make a finding or impose a sanction at the conclusion of the investigation and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest. The initial notification shall be in a written format.

### **Commencement of the Investigation**

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) 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.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

### **Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

### **Investigative Report**

At the conclusion of the investigation, the Investigating Officer will prepare a written report that summarizes all information and facts. The written report will explain the scope of the investigation, identify findings of fact, and information obtained throughout the course of the investigation (e.g., written statements, copies of emails/text messages, etc.) will be included as an addendum.

### **Hearing**

### **The Hearing Panel**

At the conclusion of the Investigating Officer's investigation, a three-member hearing panel (the "Panel") will be convened. The Panel will be appointed by the Title IX Coordinator or the Deputy Title IX Coordinator 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. One member of the Panel will be appointed as the Chair.

### **Initial Panel Meeting and Notification to the Parties**

The Investigating Officer's investigative report and information obtained through the course of the investigation will be provided to the Panel. Prior to the hearing, the Panel will meet to discuss the complaint and information provided by the Investigating Officer. A hearing date and time will be set and the complainant and respondent will be invited to appear before the Panel, to present testimony, witnesses, and any other information they would like considered.

### **Hearing Standards**

The following standards apply to a hearing under these Complaint Resolution Procedures:

- Upon request, arrangements will be made so that the parties do not have to be in the same room as each other but will still be able to hear each other's statements to the Panel.
- The Panel may ask questions of the parties and witnesses. Questions from the Panel will be limited to the incident itself and will not involve questions regarding a complainant's unrelated prior sexual activity. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding that sexual misconduct occurred.
- The complainant and respondent may not directly cross examine one another, but may, at the discretion and direction of the Chair, suggest questions to be posed to the other party by the Chair.
- The Panel will maintain confidentiality throughout the entire process. The hearing will be a closed hearing, and it will be audio recorded.
- The minutes of the hearing will be prepared by the Chair.
- The Chair may implement more detailed procedures to ensure a timely, fair, and efficient hearing. However, in no event will the hearing extend beyond one day in length, unless the Chair determines it is necessary based on extraordinary circumstances.

### **Additional Panel Review**

After the conclusion of the hearing, if the Panel deems it necessary, it may conduct its own formal inquiry by calling witnesses and/or gathering whatever additional information it believes necessary to assist it in reaching an ultimate decision and appropriate sanctions in the event of a violation of this Policy.

The Panel's Written Determination and Possible Sanctions and Remedial Measures for Policy Violations  
Applying the preponderance of the evidence standard, the Panel will make a determination as to whether or not a violation of the University's Sexual Misconduct Policy occurred.

If the Panel determines that a violation of the University's Sexual Misconduct Policy did not occur, it shall issue a written determination that sets forth the scope of what was considered and the findings upon which the decision is based.

If the Panel determines that a violation of the University's Sexual Misconduct Policy occurred, it shall issue a written determination that sets forth the scope of what was considered, the findings upon which the

decision is based, and includes sanctions and steps necessary to maintain an environment free from discrimination and harassment and to 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, the provision of counseling or other support services, and/or training. It also includes discipline for the respondent, including written formal warning, suspension, dismissal, or other appropriate institutional sanction(s), depending on the severity of the incident and taking into account any previous disciplinary infractions. A determination that sexual violence occurred may result in permanent dismissal from the University.

### **Notification of Panel Determination**

The Panel's written determination will be provided to the complainant, the respondent, and the Title IX Coordinator within three (3) days of its completion. If necessary, the Panel's written determination will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, FERPA, and the Clery Act, as explained by the April 4, 2011 Dear Colleague Letter issued by the U.S. Department of Education, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>. The Panel's written determination, including any sanctions imposed, will be included in the parties' University files.

### **Finality of the Panel's Decision and Appeal Rights**

The Panel's written determination shall be final, subject only to the right of appeal set forth in Section III 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 Panel's determination of a complaint only on the following grounds:

- 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 the 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.

### **Method of Appeal**

Appeals for cases involving students must be filed with the Vice President for Student Affairs (“Appeals Officer”) within seventy-two (72) hours of receipt of the written report determining the outcome of the complaint. 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 within 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) days of receiving it and may take any and all actions that he or she determines 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 10 days. The decision of the Appeals Officer is final. The Appeals Officer shall issue a short and plain, 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 within three (3) days of the resolution.

### **Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator, and the Appeals Officer, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these Complaint Resolution Procedures, which may include written findings of fact, transcripts, and audio recordings.

## **Appendix A Non-Confidential Reporting**

*(McKendree is required to take immediate and appropriate steps to investigate and resolve complaints)*

Title IX Coordinator  
Dr. Joni Bastian  
Vice President of Student Affairs  
(618) 537-6555  
[jjbastian@mckendree.edu](mailto:jjbastian@mckendree.edu)  
501 Stanton Street  
Lebanon, IL 62254  
Hours: Mon – Fri, 8am – 5pm  
<http://www.mckendree.edu/offices/student-affairs>

Deputy Title IX Coordinator  
Jennifer Miller  
Assistant VP for Student Affairs (618) 537-6572  
[jrmiller@mckendree.edu](mailto:jrmiller@mckendree.edu)  
Clark Hall 107  
701 College Road  
Lebanon, IL 62254  
Hours: Mon – Fri, 8am – 5pm  
<http://www.mckendree.edu/offices/student-affairs>

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>

## **Privileged and Confidential Reporting**

Counseling Services  
Melissa McHenry, MA, MS, LCPC  
Director of Counseling Services  
(618) 537-6416  
[msmchenry@mckendree.edu](mailto:msmchenry@mckendree.edu)  
513 Stanton Street  
Lebanon, IL 62254  
Hours: Mon – Fri, 8am – 5pm  
<http://www.mckendree.edu/offices/counseling-services>

Health Services  
Beth Allen, RN, MSN, CSN, NP-C  
Director of Health Services  
(618) 537-6503  
[baallan@mckendree.edu](mailto:baallan@mckendree.edu)  
513 Stanton Street  
Lebanon, IL 62254  
Mon – Thurs, 8am - 4:30pm  
Friday 8am- 2pm  
<http://www.mckendree.edu/offices/health-services>

Pastoral Care  
Rev. Dr. Beverly L. Wilkes-Null, Chaplain  
Director of Church Relations  
(618) 537-6962  
[blwilkes-null@mckendree.edu](mailto:blwilkes-null@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>

## **On and Off-Campus Support and Services**

Health Services  
Beth Allen, RN, MSN, CSN, NP-C  
Director of Health Services  
(618) 537-6503  
[baallan@mckendree.edu](mailto:baallan@mckendree.edu)  
513 Stanton Street  
Lebanon, IL 62254  
Mon – Thurs, 8am - 4:30pm  
Friday 8am- 2pm  
<http://www.mckendree.edu/offices/health-services>

Counseling Services  
Melissa McHenry, MA, MS, LCPC  
Director of Counseling Services  
(618) 537-6416  
[msmchenry@mckendree.edu](mailto:msmchenry@mckendree.edu)  
513 Stanton Street  
Lebanon, IL 62254  
Hours: Mon – Fri, 8am – 5pm  
<http://www.mckendree.edu/offices/counseling-services>

Pastoral Care  
Rev. Dr. Beverly L. Wilkes-Null, Chaplain  
Director of Church Relations  
(618) 537-6962  
[blwilkes-null@mckendree.edu](mailto:blwilkes-null@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>





McKendree University is committed to providing a learning, working and living environment that promotes personal integrity, civility, and mutual respect. Intimate partner violence defiles an individual's fundamental rights and personal dignity. McKendree University considers intimate partner violence in all its forms to be a serious offense and is prohibited under Title IX. This policy includes all forms of intimate partner violence including: stalking, dating violence, sexual violence, and domestic violence offenses.

Students and employees who believe they may have been violated should contact the Title IX Coordinator, Dr. Joni Bastian, Assistant Vice President of Student Affairs, by e-mail at [jjbastian@mckendree.edu](mailto:jjbastian@mckendree.edu) or by phone at (618) 537- 6555. The Office of Student Affairs is located at 108 Clark Hall, 701 College Road, Lebanon, Illinois. Students may contact the Title IX Deputy Coordinator, Ms. Jennifer Miller Assistant Vice President for Student Affairs, by phone at (618) 537-6872. The Office of Student Affairs is located at 108 Clark Hall, 701 College Road, Lebanon, Illinois. The Title IX Coordinators shall provide for the adequate, reliable, and impartial investigation of all complaints.

### **Definitions and Examples**

Intimate Partner Violence means any physical, sexual, or psychological harm against individuals in heterosexual or same-sex relationships by current or former partners and spouses of the individuals which includes stalking, dating violence, sexual violence, and domestic violence. ***It does not require sexual intimacy between the individual and such partner or spouse.***

**Stalking** means willfully and repeatedly engaging in a knowing course of harassing conduct directed at another individual that reasonably and seriously alarms, torments, or terrorizes the individual. Some examples of stalking constitute actions which are started or continued without the victim's consent; approaching or confronting the victim; appearing at the victim's workplace, residence, or property; or delivering things to the victim or to the victim's property (2013 VAWA: Campus SaVE Act).

Effective **Consent** is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct.

- Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter.
- Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
- It is the responsibility of the initiator of sexual contact to understand fully what the person with whom he or she is involved wants and does not want sexually.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or consent do not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.
- Coercion is unreasonable pressure for sexual activity.

Effective consent cannot be given by minors, mentally disabled individuals, or persons incapacitated as a result of drugs or alcohol. Incapacitation is a state where one cannot make a rational, reasonable decision because he/she

lacks the ability to understand the “who, what, when, where, why, or how” of the sexual interaction. This policy

also covers someone whose incapacity results from mental disability, sleep deprivation, involuntary physical restraint, or from the taking of a “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy.

**Bystander Intervention** means safe and positive actions that may be carried out by an individual to prevent or intervene when there is a risk of sexual violence against a person.

**Risk Reduction** means options for recognizing warning signs of abusive personalities and how to fight back against potential attackers.

**Awareness Programming** means any program designed to alert students or employees to the prevalence of intimate partner violence, sexual violence, and stalking including discussions of the nature and number of cases of intimate partner violence, sexual violence, forcible sex offenses, and stalking reported at an institution of higher education in the 3 preceding calendar years (Clery Report); statistics on the outcomes of disciplinary proceedings for such cases and risk factors associated with such cases, including physically, sexually, and psychologically controlling behavior.

**Primary Prevention Programming** means programming and strategies intended to stop sexual and intimate partner violence before it occurs through the changing of social norms and other approaches.

### **Risk Reduction Strategies and Bystander Intervention**

Communicate your limits clearly. Tell them quickly, firmly, and clearly. Polite approaches may be ignored or misunderstood. Say “No” when you mean “No.” Avoid giving mixed messages.

Know where you are going and be comfortable with the plans. Don’t go anywhere with someone you don’t know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.

Drinking and drug use can impair your ability to think, act, or communicate clearly.

Only drink something that you have poured yourself or that comes in a pre-sealed container. Don’t drink something that has been left unattended.

Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.

### **Look for warning signs. Pay attention to behavior that does not feel right. Be careful of anyone who...**

- ignores your personal boundaries,
- does not listen to what you say,
- is jealous and possessive of you and your time,
- gets upset when you don’t do what they want,
- tries to make you feel guilty to get their way,
- is under the influence of alcohol or other drugs,
- insists you go someplace alone or apart from others.

### **Reduce the Risk of Committing Sexual Assault**

Ask for consent and listen to what your partner has to say. If your partner says “no” to sexual contact believe the person and stop.

Don’t assume that if someone had sex before he/she wants to have sex again. Don’t assume that if your partner consents to kissing or other sexual activities, he/she consents to all sexual activities.

Understand that if you have sex with someone who is intoxicated, drugged, passed out, or otherwise incapable of saying “no” or unaware of his/her surroundings, you may be guilty of rape.

## **Bystander Intervention**

Bystanders are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” (Banyard, V.L., Plante, E.G. & Moynihan, M. M., 2004) It is important to look out for each other and to care for the individual being violated; call 911 or others for assistance.

## **Confidentiality**

The University will make reasonable efforts to maintain confidentiality throughout the entire investigation. The degree, to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts by the alleged victim.

## **Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report sexual misconduct to the Director of Public Safety for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual Clery Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Mandated federal reporters include: human resources staff, campus law enforcement, student affairs staff, conduct officers, athletic directors, coaches, residence life staff, student activities staff, advisors to student organizations, and any other officials with significant responsibility for student and campus activities.

## **Standard for Determining Responsibility**

According to the Office of Civil Rights, the standard used to determine responsibility in cases of intimate partner violence will be Preponderance of the Evidence Standard, whether it is more likely than not that the accused violated the Policy on Intimate Partner Violence. The Clear and Convincing Standard, whether it is highly probable or reasonably certain that the accused violated the Policy on Intimate Partner Violence, is a higher standard of proof and is not used under Title IX. Students found to have violated this policy will be disciplined up to dismissal from the University.

## **Following Intimate Partner Violence**

A member of the University community who has experienced intimate partner violence is urged to make an official report to the local police and/or the University's Public Safety Department. Whether or not the individual makes an official report, he or she is also urged to seek appropriate help, which may include medical evaluation, obtaining information, support, and counseling, either on or off campus. The Office of Student Affairs and Health Services and Counseling have staff who are trained to provide support to students who have been assaulted.

## **Medical Treatment**

A person who has experienced intimate partner violence should seek appropriate medical evaluation as promptly as possible.

For life-threatening conditions, call 911

Memorial Hospital, Belleville, IL (618) 233-7750

St. Elizabeth's Hospital, Belleville, IL (618) 234-2120

St. Joseph's Hospital, Highland, IL (618) 651-2600

St. Joseph's Hospital, Breese, IL (618) 526-4511

A person who has experienced intimate partner violence is encouraged to collect medical/legal evidence. Collection of evidence entails interaction with police and a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or civil action.

## **McKendree University Health and Counseling Services**

The University provides nurse-managed student health services on the Lebanon campus. Health Services provides routine health and first aid treatment, retains student health records, and provides referrals. The University retains personal licensed counselors who provide confidential counseling for a wide range of concerns. Health and Counseling Services are located at 513 Stanton Street, Lebanon, Illinois.

Ms. Beth Allan, RN, BSN, CSN--Director of Health Services, 618-537-6503

Ms. Melissa McHenry, MA, MS, LCPC, Counselor, 618-537-6416

## **Legal Services**

The Illinois Legal Aid website may assist with understanding and obtaining orders of protection and legal services. [http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp\\_Content&contentID=7152#a=intro](http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_Content&contentID=7152#a=intro)

## **Orders of Protection**

An individual who has experienced intimate partner violence may wish to obtain an order of protection, no contact order, restraining order, or similar lawful order issued by a criminal or civil court. A copy of any order of protection should be given to the Office of Public Safety. To honor the order of protection, the Office of Public Safety will forward a copy to the Office of Student Affairs if the order involves a student or to the Human Resources Office if the order involves an employee. Directions for obtaining orders of protection will be provided to the complainant.

## **Officially Reporting Intimate Partner Violence**

For intimate partner violence that took place on campus, students and employees may contact Public Safety at (618) 537-6911 and/or call the Lebanon Police Department directly at 911. Public Safety Officers can assist in notifying the local police if the individual chooses. Public Safety Officers will respond quickly and with sensitivity upon notification of the incident. Public Safety will contact the Title IX coordinator in situations involving employees and the Vice President for Student Affairs in situations involving students.

A student or employee who reports to the institution that he or she has been the victim of intimate partner violence shall have the opportunity to request that prompt disciplinary proceedings be initiated against the accused. The proceedings shall be conducted by officials trained to understand the issues of sex offenses and other intimate partner violence. In addition, the accused shall receive notification of options for, and available assistance in, changing academic, living, transportation, and working situations, if such assistance is requested by the student or employee and if such accommodations are reasonably available.

### **Employees**

Whether an employee elects to report intimate partner violence to the police, he or she is urged to make an official report directly to the Director of Human Resources/Title IX Coordinator. The Vice President for Student Affairs/Title IX Deputy Coordinator is located at 108 Clark Hall and the office phone number is (618) 537-6854. The Vice President for Student Affairs will inform the Title IX Coordinator, the Director of Public Safety, and the Lebanon Police Department that an incident occurred on campus.

### **Students**

Whether a student elects to report intimate partner violence to the police, he or she is urged to make an official report directly to the Vice President for Student Affairs/Title IX Deputy Coordinator. The Vice President for Student Affairs/Title IX Deputy Coordinator is located at 108 Clark Hall and the office phone number is (618) 537-6854. The Vice President for Student Affairs will inform the Title IX Coordinator, the Director of Public Safety, and the Lebanon Police Department that an incident occurred on campus.

## **Investigating an Allegation of Intimate Partner Violence**

Investigations of the allegations of intimate partner violence will use the following responsive grievance procedures:

#### **Informal Resolution Procedures**

Some complaints may be resolved through informal mediation between the parties. Informal Resolution Procedures are **optional** and may be used when the institution determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.

The Title IX Coordinator and the Title IX Deputy Coordinator may arrange for or facilitate mediation between the involved parties and coordinate other informal problem resolution measures.

Once a report of intimate partner violence has been made, informal resolution procedures shall be pursued within seven calendar days from the initial report.

#### **Formal Resolution Procedures**

Any member of the University community who believes that he/she has been the victim (the complainant) of intimate partner violence may bring the matter to the attention of one of the following individuals: the Title IX Coordinator; Title IX Deputy Coordinator; Provost; Director of Health Services; and the Executive Dean of the Kentucky Center (complaints emanating from Kentucky campus).

The complainant must submit to the Title IX Coordinator or to the Title IX Deputy Coordinator (for students) a written statement detailing the alleged offensive conduct. The contents of the written statement should include a complete statement of the facts of the incident including dates, times, locations, witnesses, any relevant background facts or circumstances, and the signature of the complainant. Cases involving intimate partner violence are particularly sensitive and demand special attention to the issues of confidentiality.

Upon receipt of the written complaint, the Title IX Coordinator or the Title IX Deputy Coordinator will inform the alleged offender of the complaint, the identity of the complainant, and will provide the written statement of the complaint within seven calendar days. Every reasonable effort will be made to protect the complainant from retaliatory action by those named in the complaint. Once the resolution process has been initiated, it will be followed to completion. The approximate time for resolution will be 60 days. Both parties will be notified if additional time is needed to complete the case.

The alleged offender may respond to the complaint with a written statement detailing the alleged offensive conduct. The contents of the written statement should include a complete statement of the facts of the incident including dates, times, locations, witnesses, any relevant background facts or circumstances, and the signature of the alleged offender. Cases involving intimate partner violence are particularly sensitive and demand special attention to the issues of confidentiality.

#### **Hearing Panel**

Promptly after the written complaints are submitted, the Title IX Coordinator or the Title IX Deputy Coordinator will convene a three-person hearing panel comprised of one or two full-time faculty members, one person from the University staff, either contract or hourly, and one student representative when the complainant and the alleged offender are both students. Members of the hearing panel are trained to understand the issues of sex offenses and other intimate partner violence.

Members of the hearing panel will meet to discuss the complaint. The parties to the dispute will be invited to appear, separately, before the panel, present testimony and witnesses.

The hearing panel may conduct its own formal inquiry, call witnesses, and gather whatever information it deems necessary to assist it in reaching a decision and recommendations for subsequent action. The hearing panel will maintain confidentiality throughout the entire process.

The hearing panel will keep a verbatim record of the hearings by means of a single audio tape.

During the proceedings, each party will be permitted to have counsel of his/her own choice. Such persons are present as advisors, but may not act as spokespersons for the parties. The University must be informed five days in advance if either party chooses to have legal counsel present. When either party invites legal counsel to be present, the institution may also invite legal counsel to the hearing.

#### *Notice of the Outcome*

Once the hearing panel has determined whether intimate partner violence was found to have occurred, the notice of the outcome will be communicated in writing to the President and to the Title IX Coordinator or to the Title IX Deputy Coordinator (in situations involving students). The Title IX Coordinator or the Title IX Deputy Coordinator will forward the findings to both parties through certified mail within one business day of such outcome being reached.

The notice of the outcome will include “only the name of the accused, the violation alleged (including any institutional rules or code sections that were allegedly violated), essential findings supporting such final result, and any sanction imposed by the institution against the accused (including a description of any disciplinary action taken by the institution, the date of the imposition of such action, and the duration of such action).” *The Campus Sexual Violence Elimination Act*

#### **Penalties for Misconduct**

The following schedule of penalties applies to all violations of the Policy on Intimate Partner Violence. Where progressive discipline is provided for, each instance of conduct violating the Policy moves the offending person through the steps for disciplinary action. In other words, it is not necessary for an offender to repeat the same precise conduct in order to move up. A written record of each action taken pursuant to the Policy will be placed in the offending person’s file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

**Intimate Partner Violence:** Any person’s first proven offense of intimate partner violence may result in discharge/dismissal.

**Other Acts of Intimate Partner Violence:** A person’s commission of acts of intimate partner violence (other than sexual assault and violence) will result in non-disciplinary oral counseling upon alleged first offense, depending upon the nature or severity of the misconduct; and suspension or discharge upon the second proven offense, depending on the nature or severity of the misconduct.

**Retaliation:** Alleged retaliation against intimate partner violence complainant will result in non-disciplinary oral counseling. Proven retaliation will result in suspension or discharge upon the first proven offense, depending upon the nature and severity of the retaliatory acts, and discharge upon the second proven offense.

#### **Appeal Process**

Either party may appeal the hearing panel’s recommendations. The appeal must be filed with the Student Judicial Committee within 72 hours after the student has received formal notification of recommendations for action and must state specific grounds for the appeal. The grounds for an appeal are listed below:

1. Question of Fact—A party may appeal on questions of fact by introducing new evidence which would significantly affect the outcome of the case. Evidence which was known to the appellant at the time of the original hearing, but was withheld, shall not constitute a question of fact nor is it to be considered upon appeal.



2. Question of Procedure—The appellant must demonstrate that procedural guidelines established in this document were breached, and that the errors affected the outcome of the case.

3. Severity of Sanction—Appeals based on the severity of the sanction shall be considered only when the penalty imposed exceed the recommended range of sanctions for the specific violation. The accused can request leniency in cases where it is clearly demonstrable that the imposition of a sanction is inconsistent with previous judicial practice, even though it may be within the range of acceptable action. Mere dissatisfaction with the sanction is not grounds for appeal.

After the student has filed an appropriate request for an appeal he/she will be notified within 72 hours of the outcome of the appeal request. The Student Judicial Committee may deny hearing an appeal. However, if the Committee chooses to hear the appeal, it is authorized to take the following actions: it may change a finding of guilt to a finding of innocence, it may modify the penalty, or it may order a new hearing wherein new evidence or testimony not available at the previous hearing is regarded as being of sufficient importance will be presented. The appeal outcome from the Student Judicial Committee is final. Appeal hearings must be recorded.

### **False Reporting**

The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct (McKendree University Student Handbook, 12.00) to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### **Educational and Awareness Programs**

McKendree University provides awareness and primary prevention programs to educate members of the community regarding intimate partner violence. The updated list of programming may be obtained from the Office of Student Affairs for students or the Human Resources Office for employees.

## **REGISTRATION OF SEX OFFENDERS**

Illinois law requires sex offenders or predators to register with the Public Safety Office at higher educational institutions where they either are attending classes or employed. An offender must register if he or she attends the institution or is employed for a period of five or more days at a time or for a total of 30 days out of the year. Failure to comply with registering could result in expulsion.

## **STUDENT POSSESSION OR USE OF ALCOHOLIC BEVERAGES**

No person shall possess or consume any alcoholic beverage on University property. University property is defined as all property owned, supervised by or controlled by McKendree University. Possession is defined as holding an alcoholic beverage, having it near you (on a table, etc.), or having it stored in your living area or vehicle. You are also presumed to be in violation of this regulation if you are present and aware that alcohol is being consumed and/or stored in this space.

## **NARCOTICS AND DANGEROUS DRUGS**

No person shall possess, use or have under his/her control narcotics, dangerous drugs, synthetic drugs or any controlled substance without prescription including, but not limited to marijuana, methamphetamines, barbiturates, cocaine or hallucinogens in any building, or on any property owned or controlled by the University. Additionally, any person suspected of selling controlled substances and/or dangerous drugs as described above

will be immediately reported to Public Safety for investigation and may be subsequently subject to civil prosecution as well as University judicial action

## **Drug and Alcohol Programs**

In addition to various educational programs regarding alcohol and drug use throughout the course of the year, students may also get information regarding potential issues related to alcohol and/or drugs by contacting Health Services or Counseling Services at 618-537-6503 or the Office of Student Affairs at 618-537-6854.

## **UNAUTHORIZED USE OF FACILITIES/SERVICES AND TRESPASSING**

No person shall enter into and/or utilize any University facility or service without proper authorization. No person shall enter and remain in any building or facility for any purpose other than its authorized uses, in such manner as to obstruct its authorized use by others, and/or after it is normally closed. No person shall refuse to leave any building or facility after being required to do so by authorized personnel.

## **RECORDS, IDENTIFICATION AND KEYS**

No person shall lend or give to another person a University identification card, key or key card or other official identification for the purpose of gaining unauthorized entry into any University building, activity or event, or for obtaining a service of any kind from the University. No person shall use a University identification card, key or key card, or other official identification which is not rightfully his/hers for the purpose of gaining unauthorized entry into any University building, activity or event or obtaining a service of any kind from the University. No person shall fail to produce his/her Identification Card when requested to do so by University officials.

## **ANNUAL FIRE SAFETY REPORT**

The Higher Education Opportunity Act (HEOA) became public law 110-315 in August 2008. The Act requires all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. The contents of this report reflect the requirements outlined in HEOA, which are included in the McKendree University campus fire safety programs.

Elements of the campus fire safety program consist of:

- Fire prevention policies and practices
- Fire safety education and training initiatives
- Description of fire protection equipment in residence halls
- Emergency evacuation procedures
- Fire safety statistics
- Plans for future improvements to residence hall campus fire safety programs.

The annual fire safety report summarizes the elements of the campus fire safety program, which is administered and maintained by Residence Life and the Department of Public Safety. This public disclosure is intended to inform students and employees of the fire safety programs and policies at McKendree University, and the institution's state of readiness to detect and respond appropriately to fire related emergencies.

## **Description of On Campus Residence Halls Fire Safety System**

### *Fire Alarm System*

The fire alarm safety system described below is utilized in each of the following on campus student housing facilities: Baker Hall, Barnett Hall, McKendree West, New Residence Hall East, New Residence Hall West, Suites and Walton Hall. The main alarm panel is located in the boiler room on the lower floor of the dormitory buildings.

The dormitory building fire alarm system has the following:

- Heat detectors/smoke detectors/carbon monoxide detectors
- Manual pull stations/ metal and single action
- Horn/sprinkler alarm/tamper switches

### *Portable Fire Extinguishers and Manual Extinguishing Systems*

There are appropriate hand held extinguishers located through the dormitory. The dormitory is equipped with portable fire extinguishers as follows:

- ABC units located on either end of the hallways and laundry rooms
- CO2 units are located on each hallway floor in buildings equipped with boilers or water heater (430 ILCS135/20 1.)

For further information, please visit the [Illinois Department of Public Health](#).

### *Fire Hydrants*

There are 7 fire hydrants.

## **Fire Safety Procedures in Case of Fire Emergency**

- 1) Call Fire Department.

Fire extinguisher is to be used only for small flamed fires which are contained.  
Activate alarm system.

- 2) Refer to the Emergency Response Guide Fire and Explosion.

- 3) Move to a safe place outside of building for evacuation.  
See Emergency Response Guide Building Evacuation procedure.

- 4) Enlist additional staff or students to act as support personnel in the case of evacuation or other action to be taken on campus (some who direct others as to where to go or what to do and some who can make a count of those present – example: a person who directs everyone to the emergency exit and the designated safeplace outside the building) – Example: Resident Advisors in Dorm.

- 5) Call the Emergency Response Team (ERT) to make decisions about the actions to be taken on school premises regarding closing the school premises. ERT member designated to do so will contact if necessary, Public Safety, Police, Ambulance, Emergency Electrician or Medical professionals.

### *Fire Safety Precautions*

Because of the danger of fire, the use or making of candles or open flames of any type are prohibited in University housing facilities.

Because of the hazard of fire and the limits on the amount of electricity which can be safely used on any given electrical circuit, the Office of Residence Life requests that good judgment is exercised in using electrical appliances in University housing facilities. Hazardous electrical appliances such as halogen lamps, sun lamps, clamp-on bed lamps, hot plates, toasters, toaster ovens, George Foreman grills, open element popcorn poppers, and appliances in need of electrical repair are specifically prohibited in the New Residence Halls, Baker Hall, Barnett Hall, Walton Hall, and the Suites. Washing machines and dryers are prohibited at the McKendree West apartments. Outside antennas and satellite dishes of all kinds in University housing facilities are prohibited.

No person shall store outdoor grills and/or fuels in any University housing facility. Outdoor grills may only be used in authorized areas and under the direction and consent of Residence Life staff.

All fires need to be reported to the Office of the Director of the Physical Plant and Housing to be included in the Fire Log.

#### *Communications Systems*

The Residence Halls have emergency phones and/or push buttons 911 emergency services or Public Safety.

#### *Exits*

- The exit doors are located on the first floors.
- Hallways, stairwells and exits have electrical and battery backup power to all exit lights and exit signs.

#### *Fire Department Access*

The University is easily accessed from public streets. The Public Safety Office is located in Pearson Hall to control access and provide security. The Public Safety Office is available on a 24-hour basis.

### **Smoking Policy**

All McKendree University owned, leased, or occupied facilities or property are tobacco-free. This policy applies to all, including students, faculty, staff, contractors, and visitors.

McKendree University is committed to providing a healthy, comfortable, productive work and learning environment. The American College Health Association supports the findings of the Surgeon General that tobacco use in any form, including smoking and breathing secondhand smoke, is a significant health hazard and that there is no risk-free level of exposure to smoke. McKendree University strictly prohibits all smoking and other uses of tobacco products within all University buildings and on University property, at all times.

For the purposes of this policy, tobacco is defined to include, but not limited to, any lit cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; including e-cigarettes and smokeless or spit tobacco, also known as dip, chew, snuff, or snus in any form, and all nicotine delivery devices that are not FDA-approved as cessation products (110ILCS 64/Smoke-Free Campus Act).

Smoke or Smoking is defined as “the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or other lighted smoking equipment.” Smoke or Smoking also includes products containing or delivering nicotine intended or expected for human

consumption (110ILCS 64/Smoke-Free Campus Act).

If individuals within the University community smoke or use tobacco products off University properties, they are expected to be respectful of residents and businesses neighboring the University campus and properties. They should not loiter in front of homes and businesses near the University campus or properties, and must discard tobacco products in appropriate receptacles.

The University provides cessation resources to all students through the University's Health Services. The success of this policy depends upon the cooperation of smokers and nonsmokers. All students, faculty and staff share in the responsibility for adhering to and enforcing this policy. Violations of this policy may result in disciplinary action.

## **Fire Hazards**

### *Fire Equipment and Alarms*

- No person shall disregard a fire alarm signal or refuse to evacuate a building immediately when a fire alarm is activated.
- No person shall ring any bell or operate or trigger any mechanical or electrical apparatus or combination thereof for the purpose of creating a false alarm of fire.
- No person shall, without authorization, operate or tamper with any fire safety equipment, except for the use in emergency situations, and for such purposes for which the equipment was intended.

The following items are considered fire hazards and are not allowed in the student dormitory, including the balconies, hallways or common areas: camp stoves, hibachis, hot plates and gas or charcoal grills. Occupants may not leave candles or incense or other open flame items unattended, or use them near curtains, bedding or other loose fabrics.

## **Safety Protocols**

Occupants shall not:

- Inappropriately activate any emergency warning equipment or falsely report any emergency.
- Remove, damage, interfere or tamper with fire safety or other emergency warning equipment, including smoke detectors, sprinklers and fire alarms.
- Hang any items from or block sprinklers or smoke detectors.
- Fail to evacuate the dormitory facility when a fire alarm is sounded.

## **Safety Standards With Regard to Hazardous Items**

### *Electrical Appliances*

Because of the hazard of fire and the limits on the amount of electricity which can be safely used on any given electrical circuit, the Office of Residence Life requests that good judgment is exercised in using electrical appliances in University housing facilities. Hazardous electrical appliances such as halogen lamps, sun lamps, clamp-on bed lamps, hot plates, toasters, toaster ovens, George Foreman grills, open element popcorn poppers, and appliances in need of electrical repair are specifically prohibited in the New Residence Halls, Baker Hall, Barnett Hall, Walton Hall, and the Suites. Washing machines and dryers are prohibited at the McKendree West apartments. Outside antennas and satellite dishes of all kinds in University housing facilities are prohibited.

No person shall store outdoor grills and/or fuels in any University housing facility. Outdoor grills may only be used in authorized areas and under the direction and consent of Residence Life staff.

Possession, storage or use of fire arms, explosives, ammunition or other weapons or dangerous articles or substances, including non-lethal items such as pellet guns or fireworks is prohibited.

### **Policy Regarding Stoves**

Occupants should never leave anything on the stove or in the oven unattended. Stove vents should be unobstructed. Flammable materials should not be stored on or near the stove. Grease should not be allowed to collect around the stovetop area or in the vents. Do not use water on grease fires.

## **Inspection of Residence Halls**

University Residence Life staff or Public Safety Officers may inspect the student dormitory on a regular basis for necessary repairs, cleanliness, and safety checks. Inspections will be announced at least 24 hours in advance through public posting of information. University Residence Life staff may confiscate items that are found during inspections that violate the fire hazard policy or otherwise pose a safety risk.

## **Fire Safety Education**

There is a Fire Safety Presentation at least once annually to promote fire safety education and training programs for students.

#### *Plans for Future Improvements in Fire Safety*

The fire safety system and procedures are periodically reviewed and if it is determined that improvements are needed, then a plan for future improvements will be implemented.

### **Higher Education Act of 1965 Safety- and Security-related Laws and Regulations**

A-1. *Federal Register*, Nov. 1, 1999 (Vol. 64, No. 210), Student Assistance General Provision; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics

A-2. *Federal Register*, Oct. 31, 2002 (Vol. 67, No. 211), Student Assistance General Provision; Final Rule. 34 CFR 668.46, Institutional Security Policies and Crime Statistics

A-3. *Federal Register*, Oct. 29, 2009 (Vol. 74, No. 208), General and Non-Loan Programmatic Issues; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics 34 CFR 668.49, Institutional Fire Safety Policies and Fire Statistics

A-4. *Higher Education Opportunity Act*, Aug. 14, 2008. Program Participation Agreement Requirements

### **Clery Act Crime Definitions**

#### **Federal Bureau of Investigation Uniform Crime Reporting/National Incident-Based Reporting System Crime Definitions**

Excerpted from the Implementing Regulations of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (originally the Campus Security Act) originally published in the Federal Register on April 29, 1994 (Vol. 59, No. 82) and November 1, 1999 (Vol. 64, No. 210).

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

### **Crime Definitions from the Uniform Crime Reporting Handbook**

#### ***Arson***

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### ***Criminal Homicide-Manslaughter by Negligence***

The killing of another person through gross negligence.

### ***Criminal Homicide-Murder and Non-negligent Manslaughter***

The willful (non-negligent) killing of one human being by another.

### ***Robbery***

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### ***Aggravated Assault***

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

### ***Burglary***

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking; safecracking and all attempts to commit any of the aforementioned.

### ***Motor Vehicle***

The theft or attempted theft of a motor vehicle where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, also including joyriding.

### ***Weapon Law Violations***

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons, carrying deadly weapons, concealed or openly, furnishing deadly weapons to minors, aliens possessing deadly weapons and all attempts to commit any of the aforementioned.

### ***Drug Abuse Violations***

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine/heroin/codeine), marijuana, synthetic narcotics (demerol/methadones) and dangerous non-narcotic drugs (barbituates/benzedrine).

### ***Liquor Law Violations***

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, bootlegging, operating a still, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## **Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program**

### ***Sex Offenses-Forcible***

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### **A. Forcible Rape**



The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

### **Forcible Sodomy**

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **B. Sexual Assault With An Object**

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **C. Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

### ***Sex Offenses-Non-forcible***

Unlawful, non-forcible sexual intercourse.

#### **A. Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### **B. Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### ***Hate Crimes***

Crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

### ***Simple Assault***

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

***Intimidation***

Unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

***Destruction/Damage/Vandalism of Property***

Willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

# McKendree Campus



