



LAKE FOREST
COLLEGE

Sexual Discrimination and Misconduct Policy

I. Statement Against Sex, Sexual Orientation, Gender and/or Gender Identity Discrimination

Lake Forest College prohibits discrimination on the basis of sex, sexual orientation, gender and/or gender identity in any College program or activity consistent with Title IX of the Educational Amendments of 1972 and other applicable state and federal laws. Sexual misconduct, including sexual harassment, non-consensual sexual intercourse and/or contact, exploitation and interpersonal violence, such as stalking, dating violence and/or domestic violence, are forms of sex discrimination that deny or limit a College community member's ability to participate in the College's programs or activities.

The College provides awareness and prevention education and training programs regarding sex, sexual orientation, gender and gender identity-based discrimination, encourages the reporting of discriminatory incidents, provides timely services to those who have been affected by discrimination and utilizes prompt and equitable methods of investigation and resolution to stop discrimination, remedy harm caused by discrimination and prevent recurrence of discrimination. Violations of this policy may result in the imposition of sanctions up to, and including, termination or dismissal from the College.

The College's non-discrimination policy pertaining to all other protected classes is located at:

www.lakeforest.edu/about/working/non-discrimination-policy/

II. Applicability of Sexual Discrimination and Misconduct Policy

This policy applies to all members of the College community, including students, faculty, staff, administrators, board members, contractors, vendors and visitors, regardless of their sex, sexual orientation, gender or gender identity. The policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct: (i) occurs during a College sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health and/or safety of a member of the College community.

Students and employees continue to be subject to local, state and federal laws while at the College, and violations of those laws may also constitute violations of this policy. In such instances, the College may proceed with investigations under this policy and its corresponding complaint resolution procedures independently of any criminal proceedings involving the same conduct. The College may impose sanctions for violations of this policy even if criminal proceedings regarding the same conduct are not yet resolved or resolved in the accused's favor.

This policy applies to conduct that takes place from the time an individual accepts enrollment as a student or employment and continues until the student graduates or otherwise separates from the College and/or the employee ceases employment.

Further information about Title IX and sex discrimination in education is available from the Office of Civil Rights (U.S. Department of Education, Citigroup Center, 500 Madison St., Suite 1475, Chicago, IL 60661-4544, 312-730-1560, OCRChicago@ed.gov, ed.gov.ocr), or the College's Title IX Coordinator as set forth in Section IV below.

III. Statement of Commitment to Transgendered Individuals

When a student or employee notifies the College that the student or employee will assert a gender identity different from previous representations or records, the College will begin treating that individual consistent with the individual's newly asserted gender identity. To that end, the College will use pronouns and names as requested by the transgender individual in person and in student and employment records going forward. Requests to amend previously existing student or employment records will be handled pursuant to the Family Educational Rights and Privacy Act and/or other relevant law and consistent with record amendment requests made by all other students and employees. Moreover, transgender individuals will be permitted access to sex segregated facilities (such as bathrooms, residence halls and/or locker rooms) consistent with their asserted gender identity. Transgender students may participate in the College's single sex non-NCAA athletics programs consistent with their gender identity. Transgender students may participate in the College's single sex NCAA athletics programs as set forth in the NCAA guidelines regarding the same.

IV. Role of Title IX Coordinator

The College has a designated Title IX Coordinator trained in the College's policies and procedures, state and federal law and other issues related to sexual discrimination and misconduct to manage the College's compliance with Title IX. Specifically, the Title IX Coordinator:

- Oversees the investigation and/or resolution of all complaints of prohibited misconduct under this policy;
- Advises complainants (individuals alleging misconduct), respondents (individuals accused of alleged misconduct) and/or third parties regarding the courses of action available at the College and in the community for resolving complaints of sexual discrimination and misconduct;
- Provides assistance to "responsible employees" regarding how to appropriately respond to a report of prohibited misconduct under this policy;
- Conducts and/or reviews on-going climate checks, tracking, monitoring of sexual misconduct allegations on campus and reports findings to College officials and/or the campus community, where appropriate;
- Prepares federal and state required compliance reports;
- Oversees training, education and prevention efforts; and
- Provides and participates in on-going training designed to assist in implementing this policy and the corresponding complaint resolution procedures.

The Title IX Coordinator can be reached during regular business hours at:

Julie Heuberger Yura
Title IX Coordinator
Rosemary House
Lake Forest College
555 N. Sheridan Rd.
Lake Forest, IL 60045
847-735-6009
yura@lakeforest.edu

V. Prohibited Conduct

In determining whether alleged misconduct constitutes a violation of this policy, the College will consider the totality of the facts and circumstances of the incident, including the nature of the alleged misconduct and the context in which it occurred. Any of the prohibited misconduct set forth in this policy can occur between strangers or acquaintances, individuals involved in intimate or sexual relationships and individuals of any sex, gender, sexual orientation and/or gender identity. In addition, some of the prohibited misconduct also violates the criminal laws of the State of Illinois. For more information regarding Illinois' criminal laws, please consult the College's annual security report available online at www.lakeforest.edu/about/ourcampus/safety/report.php or in print at the Department of Public Safety.

- A. Sex Discrimination.** Sex discrimination is adverse treatment of an individual based on sex or gender. Sex discrimination encompasses sexual misconduct, as defined below, but also includes other behavior that does not constitute sexual misconduct. Use of the terms "sex discrimination" and/or "gender discrimination" throughout this policy includes sexual orientation-based and gender identity-based discrimination.

Complaints of sex discrimination that are not based on sexual misconduct should be reported to the Title IX Coordinator and will be resolved through the appropriate College process as determined based on the specific facts of the complaint. Sex discrimination complaints that are not based on sexual misconduct (as defined below) will not be handled through the Sexual Misconduct Complaint Resolution Procedures.

- B. Sexual Misconduct.** The following offenses are considered sexual misconduct and prohibited by the College. Complaints regarding the following will be handled pursuant to the College's Sexual Misconduct Complaint Resolution Procedures.

- 1. Sexual Harassment.** Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, graphic or physical conduct of a sexual nature, without regard to whether the parties are of the same or different gender when:
 - Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment or status in a course, program or College-sponsored activity, or is used as the basis for employment or educational decisions affecting that individual (also referred to as "quid pro quo"); or
 - Such conduct is sufficiently severe, pervasive or persistent that it has the purpose or effect of unreasonably interfering with an individual's educational experience or working conditions (also referred to as "hostile environment").

In considering whether conduct constitutes sexual harassment, the College considers the totality of the circumstances. Some examples of sexual harassment may include attempting to coerce an unwilling person into a sexual relationship, repeatedly subjecting a person to egregious, unwelcome sexual attention, innuendos or humor, punishing an individual for

- refusing to comply with a sex based request, conditioning a benefit on submission to sexual advances, nonconsensual sexual contact or intercourse or bullying based on gender or sex.
2. **Gender-Based Harassment.** Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on gender, sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Use of the term “sexual harassment” throughout this policy includes gender-based harassment/misconduct.
 3. **Sexual Orientation-Based/Gender Identity-Based Harassment.** Sexual orientation or gender identity-based harassment includes verbal, non-verbal and physical acts of aggression, intimidation, or hostility based on an individual’s actual or perceived heterosexuality, homosexuality, bisexuality, or transsexuality/gender identity. Use of the term “sexual harassment” throughout this policy includes sexual orientation-based and gender identity-based harassment/misconduct.
 4. **Non-Consensual Sexual Intercourse or Penetration (or attempts to commit the same).** Non-consensual sexual intercourse is any penetration of the sex organs, anus, or mouth of another person when consent is not present or coercion and/or force is used. This includes penetration or intrusion, however slight, by an object or any part of the body, specifically including cunnilingus, fellatio, vaginal intercourse, and anal intercourse.
 5. **Non-Consensual Sexual Contact (or attempt to commit the same).** Non-consensual sexual contact is the intentional touching or fondling of a person’s genitals, breasts, thighs, groin, or buttocks, or any other contact of a sexual nature (including by bodily fluids), when consent is not present or coercion and/or force is used. This includes contact done directly, through clothing, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch, fondle, or contact oneself or someone.
 6. **Sexual Exploitation.** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another individual(s) for personal benefit, or to benefit anyone other than the individual being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses in this policy. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, prostituting another person, non-consensual photographing, video or audio-taping of sexual activity, posting or otherwise distributing or publicizing nude images of another without consent, engaging in voyeurism, knowingly transmitting a sexually transmitted infection (STI) to another without disclosing STI status, exposing one’s genitals in non-consensual circumstances and/or inducing another to expose their genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
 7. **Dating Violence.** Dating violence is violence or the threat of violence by another person with whom the individual is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence below.

8. Domestic Violence. Domestic violence is violence committed by a current or former spouse or intimate partner of the individual, by someone with whom the individual shares a child in common, by someone who is cohabitating with or has cohabitated with the individual as a spouse or intimate partner, by someone similarly situated to a spouse of the individual under the domestic or family violence laws of the jurisdiction in which the violence occurred or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

9. Stalking. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety (or the safety of a third person) or suffer substantial emotional distress. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, communicates to or about, a person or interferes with a person's property. Examples of stalking include, but are not limited to:

- Following a person;
- Being or remaining in close proximity to a person;
- Entering or remaining on or near a person's property, residence, or place of employment;
- Monitoring, observing or conducting surveillance of a person;
- Threatening (directly or indirectly) a person;
- Communicating to or about a person;
- Giving gifts or objects to, or leaving items for, a person;
- Interfering with or damaging a person's property (including pets); or
- Engaging in other unwelcome contact.

10. Additional Definitions

a. Consent. Consent is:

- Expressed through affirmative and voluntary words or actions mutually understandable to all parties involved;
- Given for a specific sexual act at a specific time; and
- Can be withdrawn at any time.

Consent cannot be:

- Coerced or compelled by duress, threat, or force;
- Given by someone who, for any reason, cannot understand the facts, nature, extent or implications of the sexual situation occurring, including, but not limited to, those who are under the legal age of consent (17 years in Illinois¹), asleep, unconscious, mentally or physically incapacitated through the effects of drugs or alcohol or mentally impaired due to an intellectual or other disability;

¹ Except in cases of child sexual abuse as defined by the Illinois Abused and Neglected Child Reporting Act, where the age of majority is 18. See Section X below.

- Assumed based on silence, the absence of verbal or physical resistance, an individual's manner of dress, the existence of a prior or current relationship or consent to prior sexual activity; and/or
- Given by a third party.

Moreover, consent to sexual activity with one individual does not constitute consent to sexual activity with another individual.

- b. Coercion.** Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation or the use of physical force.
- c. Incapacitation.** Incapacitation means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts and/or intellectual or other disability. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences and ability to make informed judgments. The question is whether the accused knew, or a sober, reasonable person in the position of the accused, knew or should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give consent. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this policy.

VI. Academic Freedom

Lake Forest College is committed to the principles of academic freedom. Rigorous discussion and debate are fundamental to the College's educational mission, and this policy is not intended to determine or restrict teaching methods, course content or the processes of intellectual inquiry and debate. The fact that speech or a particular expression is offensive is not, standing alone, a sufficient basis to establish a violation of this policy. To constitute a violation of this policy, speech or expression taking place in the teaching context must be persistent, pervasive and not germane to the subject matter in a way that impedes the College's educational mission or is used to disguise, or as a vehicle for, prohibited misconduct.

VII. Reporting Options and Available Resources

There are various reporting options and resources available to the College community. The College encourages those who have experienced sexual discrimination or misconduct to talk to one or more of the below individuals or agencies.

- A. On-Campus Confidential Advisors.** Individuals wishing to obtain confidential assistance without making a report to the College may do so by speaking with one of the College's confidential advisors. The Director of the Lake Forest College Health and Wellness Center, and other designated counselors employed by the Center, are available to discuss incidents of misconduct in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to confidential advisors *will not* trigger the College's investigation into an incident.

All of the College's confidential advisors shall receive forty hours (40) of initial training regarding sexual violence and participate in six (6) hours of annual continuing education thereafter. In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct, including:

- The provision of information regarding the individual's reporting options and possible outcomes, including without limitation, reporting to the College's Title IX Coordinator pursuant to this policy and notifying local law enforcement;
- The provision of resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- The provision of information regarding orders of protection, no contact orders or similar lawful orders issued by the College or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon request; and/or
- Assistance with securing interim protective measures and accommodations upon request.

Confidential Advisor Contact Information:

Jennifer Fast, PsyD
Assistant Dean of Students
Director of Health and Wellness
Buchanan Hall, Room 100
847-735-5242
After hours number: 224-500-1128
fast@lakeforest.edu

Edward Neumann, PsyD
Wellness Coordinator
Buchanan Hall, Room 100
847-735-5241
After hours number: 224-500-1128
neumann@lakeforest.edu

B. Off-Campus Confidential Resources. The following off-campus agencies also employ individuals available to discuss incidents of misconduct in confidence. Disclosures to these entities *will not* trigger the College's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- **Employee EAP, United Healthcare:** 888-887-4114 (for employees only).
- **The Zacharias Sexual Abuse Center:** 4275 Old Grand Ave, Gurnee, IL 60031; 847-872-7799.
- **The Chicago Rape Crisis Hotline:** 888-293-2080.
- **National Sexual Assault Telephone Hotline:** 800-656-HOPE (4673).
- **State of Illinois Domestic Violence Hotline:** 877-863-6338.

- **Center on Halsted LGBTQ Violence Resource Line:** 773-871-CARE (2273).

C. Reporting Sexual Misconduct to the College. The College strongly encourages individuals, including third party bystanders, to report incidents of sexual discrimination/misconduct to the Title IX Coordinator or other College employees. With the exception of the confidential advisors and the other resources identified directly above, all other College employees, including student employees, who receive a report of sexual misconduct in the context of their employment are required to report all the details of the incident (including the identities of both the complainant and alleged respondent) to the Title IX Coordinator.

1. How to Make a Report. In addition to notifying a non-confidential College employee, sexual misconduct may be reported to:

- **The Title IX Coordinator,** Julie Heuberger Yura: yura@lakeforest.edu, 847-735-6009
- **Public Safety:** 847-735-5555
- **The Office of Student Affairs:** 847-735-5200
- **The Director of Human Resources,** Agnes Stepek: stepek@lakeforest.edu, 847-735-5036

Electronic Reports, including **anonymous reports,** may be submitted by completing the form found at www.lakeforest.edu/live/forms/147-report-sexual-misconduct.

Anonymous Telephone Reports may be made to the **Confidential and Independent Campus Conduct Hotline:** 866.943.5787.²

If you are in immediate danger, **call 911 for the Lake Forest Police Department.** The **non-emergency** number for the **Lake Forest Police Department is 847-234-2601.** The Lake Forest College Department of Public Safety can also connect you to the Lake Forest Police Department. See Section F below for more information on reporting to law enforcement.

2. Privacy of Sexual Misconduct Reports. The privacy of all parties involved in reports of sexual misconduct will be respected to the extent permitted under relevant law. Information related to a report of sexual misconduct will be shared only with those College employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the College's Sexual Misconduct Complaint Resolution Procedures. All College employees who are involved in the review, investigation or resolution of sexual misconduct complaints will receive specific training regarding the safeguarding of private information.

D. Information Regarding the Rights of Complainants. Upon receiving a report of sexual misconduct, the College will provide the complainant with a written document (separate from this policy) listing, in plain, concise language, the complainant's available rights, options and resources, as well as a description of the College's Sexual Misconduct Complaint Resolution Procedures.

² Anonymous reports made electronically, by phone or otherwise will be investigated to the greatest extent possible based on the amount of information provided. The College's ability to take action against an accused may be limited in the case of anonymous reports.

E. Requests for Confidentiality. In some cases, an individual may disclose an incident of sexual misconduct to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted or disciplinary action be taken. The College must weigh such requests against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community, including the individual who has experienced the alleged misconduct. Although rare, there are times when the College may not be able to honor an individual's request for confidentiality in order to provide a safe, non-discriminatory environment.

The College has designated the Title IX Coordinator to evaluate requests for confidentiality. When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider whether the College possesses other means to obtain the relevant information, as well as whether:

- There have been other sexual misconduct complaints about the accused individual;
- The accused individual has records from a prior educational institution or elsewhere indicating a history of sexual misconduct;
- The accused individual threatened further sexual misconduct or other violence against the complainant or others;
- The alleged sexual misconduct was committed by multiple accused individuals;
- The alleged sexual misconduct was perpetrated with a weapon;
- The alleged sexual misconduct was committed against a minor; and/or
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action pursuant to the formal resolution process set forth in the College's Sexual Misconduct Complaint Resolution Procedures despite an individual's request for confidentiality and/or that no investigation be conducted. If the College determines that it cannot maintain an individual's confidentiality or uphold a request that the complaint not be investigated, the College will inform the individual prior to the start of the investigation and will, to the extent possible, limit the information shared during the Sexual Misconduct Complaint Resolution Process.

If none of the above factors are present, the College will likely honor the individual's request for confidentiality or that an investigation not be conducted. If the College honors such request, the College's ability to fully investigate the incident and pursue disciplinary or other action against the respondent(s) may be limited.

F. Reporting to Law Enforcement. College officials encourage complainants to report to the police any allegation of sexual misconduct that could rise to the level of a crime. The College will assist individuals wishing to do so. A police report must be made before a criminal prosecution can be considered by the local State's Attorney's Office. The chances of successful prosecution are greater if the report to the police is timely.

Complainants have the right to request that law enforcement implement emergency protective restraining orders or to pursue such orders through the civil court process; the College can assist complainants who wish to do so. Complainants who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that

the College can work with the complainant and the subject of the restraining order to manage compliance with the order on campus.

Whether or not criminal charges are filed, the College will investigate and resolve complaints of sexual misconduct under this policy where appropriate. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

The College's investigation of a complaint of sexual misconduct shall proceed simultaneously with any law enforcement investigation, except that the College may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the College's fact-finding, provide regular updates on the status of the investigation and notify the parties when the College's fact-finding resumes. During this time period, the College will take any additional measures necessary to protect the complainant and the College community.

G. Medical Assistance. Whether or not an individual who has experienced sexual misconduct decides to report an incident to the College or Lake Forest Police Department, he/she is encouraged to seek immediate medical attention from one of the sources listed below in order to treat physical injuries, test for and treat sexually transmitted infections and pregnancy and access emergency contraception (if requested).

Under Illinois law, certain medical personnel are required to alert police when the individual requesting treatment appears to have sustained injury as a victim of a criminal offense, including sexual violence. However, the individual may choose whether to speak to the police and is not required to do so.

Local medical assistance can be obtained at:

- **Highland Park Hospital Emergency Room, 777 Park Avenue West, Highland Park, IL, 60035; 847-432-8000.** Highland Park Hospital employs specially trained SANE (Sexual Assault Nurse Examiners) nurses to assist individuals and collect potentially critical physical evidence as set forth in Subsection H below.
- **Lake Forest Hospital Emergency Room, 660 N. Westmoreland Rd., Lake Forest, IL 60045; 847-535-6150.**
- **Lake Forest College Health Services, Buchanan Hall, 847-735-5050** (students only).

H. Evidence Collection. Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if he or she chooses not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual not shower, bathe, douche, smoke or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, he or she can bring unwashed clothes worn during the incident to the hospital or medical facility in a paper (or other non-plastic) bag.

Under Illinois law, the cost of emergency medical or forensic examinations for sexual violence survivors not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services. The Title IX Coordinator can provide more information regarding the procedure for obtaining this financial assistance.

Individuals who have experienced sexual misconduct are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs or other copies of documents.

- I. Amnesty for Sexual Misconduct Complainants and Witnesses.** The College encourages the reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. The College recognizes that a student who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of the potential consequences of their own conduct. A student who reports sexual misconduct, either as a complainant or third party witness, will not be subject to disciplinary action by the College for his or her own personal consumption of alcohol or drugs at or near the time of the incident, provided that such consumption did not or does not place the health or safety of any other person at risk.
- J. False Reporting or Testimony.** Reports of sexual misconduct that are later found to be intentionally false or made maliciously without regard for truth shall constitute a violation of this policy. This provision does not apply to reports made in good faith, even if the allegations in the report are not substantiated through an investigation. Likewise, a third party witness who intentionally provides false or misleading testimony may be subject to disciplinary action under this or other relevant College policy.

VIII. RETALIATION

Retaliation against individuals engaging in protected activity under this policy is prohibited. Retaliation is materially adverse action taken against an individual as a result of that individual's participation in a protected activity under this policy. Protected activity includes, but is not limited to, making a good-faith complaint of sexual discrimination or misconduct, cooperating in good faith in the investigation of a complaint of sexual discrimination or misconduct and/or testifying as a witness to any report of sexual discrimination or misconduct.

Retaliation should be reported promptly to the Title IX Coordinator, the Dean of Students, the Dean of Faculty or the Director of Human Resources. Acts of retaliation will result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual discrimination/misconduct.

IX. INSTITUTIONAL CRIME REPORTING

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") requires institutions of higher education to compile and publish statistics on certain criminal offenses including sexual assault (i.e., non-consensual sexual intercourse), domestic and dating violence and stalking that occur on or adjacent to school properties. Although Lake Forest College strongly encourages everyone to report any crime that occurs on or around campus, the Clery Act requires certain crimes reported to a Campus Security

Authority (CSA) be included in those annual statistics. Specifically, the Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department . . . such as an individual who is responsible for monitoring entrance into institutional property;
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime or the identity of the complainant.

The College is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). A complainant under this policy will never be identified in a timely warning.

X. MANDATORY REPORTING OF CHILD ABUSE, CHILD SEXUAL ABUSE AND CHILD NEGLECT

All College employees³ are mandated reporters under the Illinois Abused and Neglected Children's Reporting Act. Mandated reporters are required to immediately report to the Illinois Department of Children and Family Services (DCFS) suspected child abuse and/or neglect when they have "reasonable cause to believe" that a child known to them in their professional or official capacity may be an abused or neglected child. This is done by calling the DCFS Hotline at 1-800-252-2873 or 1-800-25ABUSE.

- A "child" means any person under the age of 18 years, unless legally emancipated.
- "Abused child" means a child whose parent or immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child or a paramour of the child's parent:
 - Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
 - Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
 - Commits or allows to be committed any sex offense against such child;
 - Commits or allows to be committed an act or acts of torture upon such child;
 - Inflicts excessive corporal punishment;
 - Commits or allows to be committed the offense of female genital mutilation;

³ College volunteers having regular contact with minors are also Mandated Reporters.

- Causes to be sold, transferred, distributed or given to such child under 18 years of age, a controlled substance, except for controlled substances that are prescribed and dispensed to such child in a manner that substantially complies with the prescription; or
- Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons.

There is *no* option for confidentiality in the case of suspected child abuse, child sexual abuse and/or child neglect. In other words, all mandated reporters with reasonable cause to believe that a child known to them in their professional capacities may be abused, sexually abused or neglected are required to contact DCFS. Mandated reporters must also notify the Title IX Coordinator that a DCFS report has been made.

XI. EDUCATIONAL PROGRAMMING AND TRAINING

The College will provide the following educational programming and training regarding sexual misconduct.

A. Officials Responsible for Investigation or Adjudication of Sexual Misconduct. The College will provide officials responsible for the investigation or adjudication of misconduct under this policy with at least 8 hours of annual training on issues related to sexual misconduct, including:

- Federal and state laws regarding sexual misconduct;
- Sexual misconduct behaviors prohibited by College policy;
- How to conduct the College's Sexual Misconduct Complaint Resolution Process in a way that protects the safety of complainants and promotes institutional accountability;
- The role of the College, medical providers, law enforcement and community agencies in creating a coordinated response to a reported incidence of sexual misconduct;
- Consent and the role of drug and alcohol use can have on the ability to consent;
- Cultural sensitivity and compassionate communication skills for dealing with persons reporting sexual misconduct; and
- Complainant-centered and trauma-informed response training.

B. Primary Prevention and Awareness Programs. The College will provide annual primary prevention and awareness programs for all students and training programs for all new employees that include the following:

- A statement that the College prohibits sexual misconduct and a description of the College's relevant policies;
- The definition of consent, in reference to sexual activity, as defined in the applicable jurisdiction;
- The definition of sexual misconduct (or similar offenses) in this policy and in other applicable jurisdictions;
- A description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual misconduct against a person other than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- The procedures that individuals should follow if sexual misconduct has occurred;
- The possible sanctions and protective measures that the College may impose following a final determination of a violation of the College's sexual misconduct policy;

- The procedures for College disciplinary action in cases of sexual misconduct, including the standard of proof that is used;
- Information about how the College will protect the confidentiality of complainants, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law;
- Information about how the College will maintain confidentiality of accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the accommodations or protective measures;
- Written and verbal notification about on and off-campus counseling, health, mental health, confidential advisors, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to complainants;
- Written and verbal notification to complainants about options and assistance available for changing academic, living, dining, transportation, and working situations or other protective measures, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the incident to the College or local law enforcement; and
- Written and verbal explanation of the rights and options available to an individual reporting sexual misconduct whether the offense occurred on or off campus.

C. Ongoing prevention and awareness campaigns. The College will also provide ongoing prevention and awareness campaigns for students and employees that provide additional information regarding the subjects covered in the primary prevention and awareness programs.

XII. POLICY APPROVAL AND POSTING

This policy is approved by the President of the College and reviewed at least annually for compliance with federal, state and local laws. It, along with its related materials, is available on the College's website at: www.lakeforest.edu/sexualmisconduct.

XIII. ANNUAL REPORT

At the beginning of each academic year, the Title IX Coordinator shall report on the previous year's sexual misconduct complaints and responsive action under this policy. The Title IX Coordinator shall submit the report to the College President, who shall publicize it to the College community as appropriate. The report shall not mention the name of any individuals or identify details of any complaint.

Enacted: August 28, 2015

Amended: June 21, 2016.