



LAKE FOREST
COLLEGE

Sexual Discrimination and Misconduct Policy

I. STATEMENT AGAINST DISCRIMINATION ON THE BASIS OF SEX, SEXUAL ORIENTATION, GENDER, AND GENDER IDENTITY

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 penetration and/or contact, sexual 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 behavior, 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. SCOPE AND APPLICABILITY OF 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 conduct and to 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; or (ii) adversely impacts the education, employment, or health and/or safety of a member of the College community or creates a hostile environment on campus.

Students and employees are 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 or civil proceedings involving the same conduct. The College may impose sanctions for violations of this policy even if criminal or civil proceedings regarding the same conduct are not yet resolved or are resolved in the accused's favor.

Where a student group or organization has engaged in behavior that violated this policy or created a hostile environment under this policy, the student group or organization is subject to discipline and sanctions.

The College may impose sanctions on students and employees for sexual discrimination or misconduct that takes place from the time an individual accepts enrollment as a student or employment until the student graduates or otherwise separates from the College and/or the employee ceases employment. In reports involving respondents who are not affiliated with the College at the time of the complaint, the College will assess whether the respondent may pose a risk to the safety or well-being of members of the College community and take

measures it deems appropriate to mitigate this risk or as otherwise needed to achieve the goals of this policy. 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 TRANSGENDER 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 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. Transgender students may participate in the College's single sex non-NCAA athletics programs consistent with their gender identity.

IV. ROLE OF THE 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 misconduct under this policy;
- Advises complainants (individuals alleging misconduct), respondents (individuals accused of alleged misconduct), and/or third parties regarding support resources and options available through the College or off-campus, including options for resolving complaints of sexual discrimination and misconduct;
- Provides training and assistance to faculty, staff, and student employees regarding how to appropriately respond to a report of misconduct under this policy;
- Develops and updates College policies, procedures, websites, and resources addressing sexual discrimination and misconduct;
- Assesses campus climate, tracks and monitors sexual misconduct allegations, addresses any systemic issues, and reports findings to College officials and/or the campus community, where appropriate;
- Prepares required federal and state compliance reports;
- Oversees sexual misconduct education efforts for the campus community, including training in implementing this policy and the corresponding complaint resolution procedures.

The Title IX Coordinator can be reached as follows:

Joan Slavin
Title IX Coordinator
Rosemary House
Lake Forest College
555 N. Sheridan Rd.
Lake Forest, IL 60045
847-735-6009
slavin@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 as well as discrimination based on sex stereotyping.

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 are prohibited by the College. Attempts to commit prohibited conduct listed below, or assisting or encouraging any such conduct, are also considered violations of this policy. 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*" harassment); 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" harassment).

Some examples of sexual harassment may include:

- Pressure for a dating, romantic, or intimate relationship, or for sexual activity
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- 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

- 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 that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Social media use that violates this policy
- Sexual violence (as defined below)

In considering whether conduct constitutes sexual harassment, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the victim's participation in the College's programs and activities, the nature and severity of the conduct at issue, the frequency and duration of the conduct, the relationship between the parties (including accounting for any power differential), the respective ages of the parties, the context in which the conduct occurred, and the number of persons affected. The College considers the totality of the circumstances from both the subjective viewpoint of the complainant and from the objective viewpoint of a reasonable person.

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.
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 sexual orientation or 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 Penetration.** Non-consensual sexual penetration 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.** 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 to similarly touch, fondle, or contact oneself or someone else, when consent is not present or coercion and/or force is used.
6. **Incest.** Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.
7. **Statutory Rape.** Statutory rape is sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.
8. **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 or otherwise recruiting, providing, or obtaining another person for purpose of sexual exploitation;
- Non-consensual photographing, video or audio-taping of sexual activity;
- Distributing intimate or sexual information, images, or recordings about another person without that person's consent (applies even if the videos were obtained with consent);
- Observing or permitting others to observe sexual activity of another person without that person's consent;
- 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; or
- Inducing incapacitation in another person with the intent to engage in sexual activity.

9. Dating Violence. Dating violence is violence or the threat of violence (including but not limited to sexual or physical abuse) 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.

10. Domestic Violence. Domestic violence is violence or the threat of violence (including but not limited to sexual or physical abuse) committed by a current or former spouse or domestic partner of the individual, by someone with whom the individual shares a child in common, or by someone who is cohabitating with or has cohabitated with the individual as a spouse or intimate partner.

11. 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. A "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 behaviors that can contribute to a course of conduct 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
- Repeated electronic communications, including via social media (i.e., cyberstalking).

12. Additional Definitions

a. Consent. 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:

- Expressed through affirmative and voluntary words or actions that are mutually understandable to all parties involved;
- Freely 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, or fraudulently obtained through misrepresentation;
- 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;
- 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, consent to prior sexual activity, or consent to sexual activity with another individual; and/or
- Given by a third party.

b. Coercion. Coercion is to force a person to engage in sexual activity that they would not otherwise have engaged in by causing that person to fear significant harm to themselves or others. Means of coercion may include, but are not limited to, severe or persistent pressure, direct or implied threats of force or retribution, or emotional intimidation. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is evaluated based on the intensity, frequency, and duration of the comments or actions.

c. Incapacitation. Incapacitation means the physical, mental, or legal inability to make informed, rational judgments. An individual may be incapacitated due to alcohol or drug use, sleep, lack of consciousness, age under the legal age of consent, intellectual or other disability, or other factors that impair their ability to understand the who, what, why, when, where, or how about specific sexual activity. 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 or drugs consumed impact a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. No single factor alone is determinative of incapacitation. Some common signs that someone is incapacitated may include:

- Slurred speech
- Smell of alcohol on breath
- Confusion
- Shaky balance

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.

- Stumbling or falling down
- Vomiting
- Combativeness or emotional volatility
- Outrageous or unusual behavior
- Unconsciousness

When determining whether consent was present, the College will consider whether the respondent knew, or a sober, reasonable person in the position of the respondent, knew or should have known that the complainant was incapacitated. Because incapacitation may be difficult to discern (for example, an individual may experience a blackout state in which they appear to give consent, but do not have the ability to make an informed rational decision about sexual activity), 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 under the influence of drugs 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 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 severe or persistent, not germane to the subject matter, and must impair or impede the College's educational mission or be 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. Designated counselors employed by the Lake Forest College Health and Wellness 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.

In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct, including:

- Providing information regarding the individual's reporting options and possible outcomes;
- Providing referrals to on-campus and community-based resources, such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services;
- Providing information regarding orders of protection, no contact orders, or similar orders issued by the College or a criminal or civil court;
- Explaining the individual's right to have privileged, confidential communications with the confidential advisor;

- Assisting in contacting campus officials, community-based sexual assault crisis centers, and/or local law enforcement upon request; and/or
- Assisting with securing protective measures and accommodations upon request.

Confidential Advisor Contact Information:

Edward Neumann, PsyD
 Assistant Director of Health and Wellness
 Buchanan Hall, Room 007
 847-735-5241
 After hours number: 224-500-1128
neumann@lakeforest.edu

Kasey Schultz-Saindon
 Assistant Director of Counseling Services
 Buchanan Hall, Room 104
 847-735-5241
 After hours number 224-500-1128
schultzsaindon@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 parties, to report incidents of sexual discrimination/misconduct to the Title IX Coordinator or other College employees. **With the exception of the confidential advisors listed above and other employees in the College’s Health and Wellness Center, all other College employees, including student employees, who receive a report of sexual misconduct in the context of their employment are required to promptly report all the details of the incident (including the identities of both the complainant and alleged respondent) to the Title IX Coordinator.** There is no time limit for filing a report, however complainants are encouraged to report behavior as soon as possible to maximize the College’s ability to respond promptly and effectively.

1. How to Make a Report. Sexual misconduct may be reported to:

- **The Title IX Coordinator,** Joan Slavin, slavin@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

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.

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

- 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. College employees who are involved in the review, investigation, or resolution of sexual misconduct complaints receive training regarding the safeguarding of private information.
 - 3. Procedures for Resolution of Sexual Misconduct Complaints.** The College responds to reports of sexual misconduct and investigates and resolves complaints of sexual misconduct in accordance with the procedures set forth in its Sexual Misconduct Complaint Resolution Procedures available at: <http://www.lakeforest.edu/sexualmisconduct/policy.php>. The Procedures provide for a formal resolution process and an informal resolution process. The formal resolution process includes an investigation and a determination of whether the preponderance of the evidence indicates that the respondent violated the Policy. For complaints where a policy violation is found, the College will impose disciplinary action. As an alternative to formal resolution, a complainant may seek informal resolution, which may include implementing protective measures and accommodations, educational programming, and/or direct intervention with the respondent, but does not result in findings or formal disciplinary measures. Please see the Procedures for details on the processes and available sanctions.
- D. Information on Options for Complainants.** Upon receiving a report of sexual misconduct, the College will provide the complainant with a concise written guide, also available on the website at: <http://www.lakeforest.edu/sexualmisconduct/>, with information about the complainant's available rights, options and resources, as well as a description of the College's sexual misconduct complaint resolution process.
- E. Protective Measures and Accommodations.** Members of the College community who report experiencing sexual misconduct may request that the College provide prompt, appropriate, and reasonably available measures to support and protect the them and prevent any further acts of misconduct, harassment, or retaliation. Protective measures may be available regardless of whether formal resolution is sought, may be provided on an interim basis pending resolution, and may also be available to respondents. Protective measures may include changes to academic, living, dining, transportation, and work arrangements, campus no-contact orders, and help enforcing court orders. More information is available in the Sexual Misconduct Complaint Resolution Procedures. Requests for protective measures may be made to the Title IX Coordinator.
- F. Requests for Confidentiality or to Not Proceed With Formal Resolution.** When individuals report sexual misconduct but do not consent to the disclosure of their names, and/or do not disclose information about the alleged perpetrators, the College's ability to respond to the complaints may be limited. In most cases, the College can honor an individual's request that a formal resolution process

not be conducted. However, the College reserves the right to initiate an investigation despite a complainant's request for confidentiality or that no investigation be conducted in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community. In weighing such requests, the College's 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 has threatened additional violence; the sexual misconduct was alleged to have been committed by multiple persons; a weapon was alleged to have been used; the alleged victim was a minor; and/or a possible pattern of perpetration (e.g. via use of drugs or alcohol) at a particular location or by a particular group. The presence of one or more of these factors may lead the College to pursue the formal resolution process set forth in the College's Sexual Misconduct Complaint Resolution Procedures in order to ensure a safe, non-discriminatory environment.

G. Reporting to Law Enforcement. The College encourages complainants to report to the police any allegation of sexual misconduct that could be a crime, and 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.

If an incident occurred on campus, the Lake Forest Police Department has jurisdiction and can be contacted at:

Lake Forest Police Department

255 W. Deerpath Rd., Lake Forest, IL 60045

847-234-2601 (non-emergency)

911 (emergency)

For incidents in Chicago, contact:

Chicago Police Department

1718 South State Street, Chicago, IL 60616

312-745-4290 (non-emergency)

911 (emergency)

Complainants have the right to request that law enforcement implement emergency protective or restraining orders or to pursue such orders through the civil court process, and the College can assist complainants who wish to do so. Complainants who receive protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the College can 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. During this time period, the College will take any additional measures necessary to protect the complainant and the College community.

H. Medical Assistance. Whether or not an individual who has experienced sexual misconduct decides to report an incident to the College or law enforcement, the individual is encouraged to seek immediate medical attention from one of the resources 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:

- **Advocate Condell Medical Center Emergency Room**, 801 S. Milwaukee Ave., Libertyville, 847-990-5300 (Sexual Assault Nurse Examiners are available 24/7 to assist victims and collect physical evidence)
- **Highland Park Hospital Emergency Room**, 777 Park Avenue West, Highland Park, IL, 60035; 847-432-8000. (Sexual Assault Nurse Examiners are available to assist victims and collect physical evidence)
- **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)

I. Evidence Preservation. 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 they choose not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual who has been sexually assaulted and wishes to preserve evidence should, if possible, not shower, bathe, douche, smoke, brush teeth, use the bathroom, eat, drink, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. Unwashed clothes worn during the incident can be transported to the hospital or medical facility in a paper bag. If an individual suspects that they may have been drugged, they should inform the hospital or law enforcement as soon as possible so that they can attempt to collect evidence.

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, or other communications and by keeping pictures, logs, or other copies of documents.

J. 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 disciplinary consequences. Therefore, a student who reports sexual misconduct, either as a complainant or witness, will not be subject to disciplinary action by the College for their 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.

K. False Reporting or Testimony. Reports of sexual misconduct that are 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 party or 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. An action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the reporting, investigation or resolution processes under this policy.

Alleged retaliation should be reported promptly to the Title IX Coordinator, the Dean of Students, the Dean of Faculty, or the Director of Human Resources. Retaliation will result in investigation and discipline independent of any finding on 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, domestic and dating violence, and stalking that occur on or adjacent to school properties. The Clery Act requires that certain crimes reported to certain campus employees, called Campus Security Authorities, be included in those annual statistics. All crimes reported and documented under the Clery Act will be recorded in an anonymous manner.

The College will also issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to the community. A complainant will not be identified in a timely warning. For more details about institutional crime reporting, including information about which employees are designated Campus Security Authorities required to report crimes under the Clery Act, please see the College's Annual Security and Fire Safety Report at <https://www.lakeforest.edu/about/ourcampus/safety/report.php>.

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

All College employees² 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

² College volunteers having regular contact with minors are also Mandated Reporters.

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.

“Abused child” means a child (under 18 unless legally emancipated) 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, act of torture, excessive corporal punishment, female genital mutilation, involuntary servitude, involuntary sexual servitude, or trafficking in persons against such child; or
- 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.

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 promptly notify the Title IX Coordinator that a DCFS report has been made.

XI. EDUCATIONAL PROGRAMMING AND TRAINING

The College provides educational programming and training regarding sexual misconduct, including:

- A. Training for Officials Responsible for Investigation or Adjudication of Sexual Misconduct.** The College provides officials responsible for the investigation or adjudication of misconduct with annual training on issues related to sexual misconduct, including: federal and state laws regarding sexual misconduct; College policy; how to conduct the College’s Sexual Misconduct Complaint Resolution Process in a fair and equitable manner that protects the rights of all parties; 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; and cultural sensitivity and trauma-informed response skills.
- B. Primary Prevention and Awareness Programs.** The College provides annual primary prevention and awareness programs for all students and training programs for all employees that include information on the definitions of sexual misconduct offenses, College policy, consent, bystander intervention, warning signs of abusive behavior, risk reduction, on-campus and off campus-confidential and other resources, procedures and options for reporting sexual misconduct, the College sexual misconduct complaint resolution process, available sanctions and protective measures, and confidentiality. For a list of programs held in the prior calendar year, please see the College’s Annual Security and Fire Safety Report or the Illinois Preventing Sexual Violence in Higher Education Act Compliance Report located on the College’s website.
- C. Ongoing Prevention and Awareness Campaigns.** The College also provides ongoing prevention and awareness campaigns for students and employees that provide additional information regarding the subjects covered in the primary prevention and awareness programs. For a list of programs held in the prior calendar year, please see the College’s Annual Security and Fire Safety Report or the College’s

report under the *Illinois Preventing Sexual Violence in Higher Education Act* located on the College's website.

XII. ANNUAL REPORT

The College prepares an annual report on the previous calendar year's sexual violence complaints, responsive actions, and prevention education in accordance with the *Illinois Preventing Sexual Violence in Higher Education Act*. The report does not mention the name of any individuals or identify details of any complaint. The report is posted on the College's website at <http://www.lakeforest.edu/sexualmisconduct/learn/reports.php>. The Title IX Coordinator may create additional periodic reports for submission to the College President, who shall publicize them to the College community as appropriate.

XIII. POLICY APPROVAL AND POSTING

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

Enacted: August 28, 2015

Last Amended: July 24, 2018