Violence Against Women Reauthorization Act of 2013

Illinois Wesleyan University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating, violence, domestic violence, and stalking. As a result, Illinois Wesleyan University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this contact, Illinois Wesleyan University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Illinois Wesleyan University's policy governing sexual misconduct, visit the Student Rights and Responsibilities site.

Consent

Consent is defined as permission to act. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and the conditions of) sexual activity. Consent must meet all of the following standards:

- **Active, not passive.** Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent.
- **Given freely.** A person cannot give consent under force, threats, or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he/she does not want to engage in the behavior.
- **Provided knowingly.** Legally valid consent to sexual activity cannot be given by:
  
  1. A person under the legal age to consent (17 years old in Illinois), or
  2. An individual who is known to be (or based on the circumstances should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.
- **Specific.** Permission to engage in one form of sexual activity does not imply permission for another activity. In addition, previous relationships or prior consent do not imply consent to future sexual acts. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent may be requested and given several times by multiple parties during a sexual encounter involving multiple acts.

Education and Prevention Programs
The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome;

and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;

c. Defines what behavior and actions constitute consent to sexual activity in the State of Illinois and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;

d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.


The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

The University offers prevention and awareness programs for all incoming students. These are mandatory for freshman during “Turning Titan” orientation week. All new employees receive prevention and awareness programs provided by the Human Resource Department on an ongoing bases year around when warranted. Title IX, Health Service, Counseling and Consultation Services, Dean of Student Affairs, and Office of Residential Life present presentations throughout the academic year.

**Procedures for Reporting a Complaint**

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about
their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the security or local law enforcement. Students should contact the Vice President for Student Affairs. Employees should contact Human Resources.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Advocate Bromenn Medical Center located at 1304 Franklin Avenue, Normal, Il (309.454.1400). In Illinois the victim must provide their name and a police report is made. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators, or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Bloomington Police Department may also be reached directly at 911 or in person at 109 E. Olive Street, Bloomington, Illinois. Their website can be found at cityblm.org.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (Frank Boyd, Holmes 211, 309.556.3255 fboyd@iwu.edu) by calling, writing or coming into the office to report in person and Campus Security (if the victim so desires.) The University will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Security or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

The procedure the institution will follow when a sexual assault is reported:
1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. Institution will assess immediate safety needs of complainant
3. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department
4. Institution will provide complainant with referrals to on and off campus mental health providers
5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties
6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
7. Institution will provide written instructions on how to apply for Protective Order
8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and respondent to inform both regarding timeframes for inquiry, investigation and resolution
9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

The procedure the institution will follow when a stalking, dating violence, or domestic violence is reported:

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Illinois, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights.

Victims of violent crimes have constitutional rights. These rights apply whether the offender is an adult or a juvenile. Violent crimes include homicide, felony assaults and batteries,
kidnapping, sexual assault and abuse, arson, domestic battery, misdemeanors that result in death or great bodily harm, stalking, driving under the influence, and violations of orders of protection, civil no contact orders and stalking no contact orders.

Some of the victims’ rights become rights only if you request them. Contact your local state’s attorney to request these rights. If you have questions or need referral services in your area, please call the Attorney General’s Crime Victims Assistance Line, 1.800.228.3368 (TTY: 1.877.398.1130).

You may be eligible for financial assistance for your out-of-pocket expenses under the Illinois Crime Victims Assistance Line at 1.800. 228.3368 (TTY: 1.877.398.1130) or visit the Attorney General’s website at www.illinoisattorneygeneral.gov/victims/cvc.html. Any person who obtains an order of protection should provide a copy to Campus Security and the Office of the Title IX Coordinator. A complainant may then meet with Campus Security to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, university offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as define in 42 USC 1395 (a)(20)). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus security departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request.

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-Campus Resources
Illinois Wesleyan Counseling and Consultation Services
Illinois Wesleyan Health Service
Dean of Students Office
Title IX Coordinator
Illinois Wesleyan Security Department
Illinois Wesleyan Chaplain

Off-Campus Resources
YWCA Stepping Stones, Rape Crisis Center – 309.827.4005
Bloomington Police Department – 309.434.2700

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

http://rainn.org – Rape, Abuse, and Incest National Network
http://www.usdoj.gov/sexassault.htm - Department of Justice
http://www2.ed.gov/about/offices/list/ocr/index.html - Department of Education, Office of Civil Rights

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They 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.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)
1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

2. Try to avoid isolated areas. It is more difficult to get help if no one is around.

3. Walk with purpose. Even if you don’t know where you are going, act like you do.

4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. If you see something suspicious, contact law enforcement immediately by calling 911 or Illinois Wesleyan Security at 309.556.1111.

5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

6. Make sure your cell phone is with you and charged and that you have cab money.

7. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.

8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

10. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.

11. Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.

12. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

13. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.) Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

   a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable to blame.

   b. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.

   c. Have a code word with your friends and family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends and family can then come to get you or make up an excuse for you to leave.

   d. Lie. If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

16. **If you and/or the other person have been drinking,** you can say that you would rather wait until both have your full judgment before doing anything you may regret later.

**Adjudication of Violations**

Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Security will automatically be referred to the Title IX Coordinator or Deputies for investigation regardless of if the complainant choses to pursue criminal charges.

The university disciplinary process is consistent with the institution’s policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protect the safety of the victim and promotes accountability. The POLICY provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings;
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice from the campus community (student, faculty, staff) at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
6. A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the university’s Student Conduct Code?”;
7. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and

8. The accuser and the accused each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university’s policy against Sexual Harassment (iwu.edu/security) in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the University’s Student Code of Conduct.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university’s ability to respond to the complaint may be limited.

Confidentiality

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the POLICY occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions including but not limited to probation, suspension, or expulsion. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Illinois Wesleyan University.

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If
the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Sex Offender Information

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Illinois Wesleyan University Security Department is providing a link to the Illinois State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State of Illinois concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in the state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. This information is maintained at this website: http://www.isp.state.il.us/sor/.

On July 21, 2011 Governor Quinn signed into law Public Act 97-0155, which amended the Sex Offender Registration Act, effective January 1, 2012, to require all sex offenders and predators employed by or attending an institution of higher education to register with the institution’s “public safety or security director.”