



Gender Based Violence Policies, Reporting and Sanctions

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Southern Illinois University Carbondale

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OFFICE OF EQUITY AND COMPLIANCE ([index.php](#))

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GENDER BASED VIOLENCE POLICIES, REPORTING AND SANCTIONS

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POLICIES ON GENDER BASED VIOLENCE

For Students:

[Student Conduct Code](https://srr.siu.edu/student-conduct-code/) (<https://srr.siu.edu/student-conduct-code/>)

- Section 1.7.14
- Section 2.2.1
- Section 2.2.2
- Section 2.2.3
- Section 2.2.6
- Section 2.3.1.3
- Section 2.3.3
- Sections 4.2 - 4.2.4.2
- Sections 5.1 - 5.4.4
- Sections 6.5.3 - 6.5.3.5

POLICIES ON GENDER BASED VIOLENCE

For Employees:

- [Policy on Sexual Harassment](https://policies.siu.edu/personnel-policies/chapter4/ch4-all/sexual.php) (<https://policies.siu.edu/personnel-policies/chapter4/ch4-all/sexual.php>)
- [Policy on Sexual Assault, Dating Violence, Domestic Violence and Stalking](https://policies.siu.edu/policies/sexual-assault-dating-violence-domestic-violence-stalking.php) (<https://policies.siu.edu/policies/sexual-assault-dating-violence-domestic-violence-stalking.php>)
- [Discrimination \(including Sexual Harassment\) Complaint and Investigation Procedures](https://policies.siu.edu/personnel-policies/chapter4/ch4-all/discrimination-sexualharassmentprocedures.php) (<https://policies.siu.edu/personnel-policies/chapter4/ch4-all/discrimination-sexualharassmentprocedures.php>)
- [The Center for Changing Our Campus Culture, US Department of Justice](http://changingourcampus.org/) (<http://changingourcampus.org/>)

REPORTING OPTIONS OF GENDER BASED VIOLENCE CRIMES (SEXUAL ASSAULT, STALKING, DATING/DOMESTIC VIOLENCE)

Report to Police

- If the situation took place off campus, call your local police department
- If the situation took place on campus, call the Department of Public Safety at 618-453-3771.
 - If it is an emergency, call 911.

Report to SIU

- Whether or not the situation took place on or off campus, call the Office of Equity and Compliance at 618-453-4807 to report to the University or
- File a crime report at SAFE.SIU.EDU
 - Tell a faculty or staff member
 - They MUST report this to SAFE.SIU.EDU
 - This report is NOT a police report
 - They may NOT keep this information confidential
 - If you would like to speak to someone who can maintain confidentiality, students can do so at Counseling and Psychological Services. Their number is 618-453-5371. Students may also contact the Confidential Advocate at 618-453-4429.
- When it is reported, someone from the Office of Equity and Compliance will contact you about a possible investigation. An investigation will not always be required.
- The University may also be able to provide assistance and remedies to a survivor of these crimes, whether or not an investigation is requested.

Report to Police, but not to SIU

- If you make a police report, the police will share this information with SIU through the Office of Equity and Compliance. If you do not wish for SIU to investigate, you may discuss this option with the Office of Equity and Compliance staff when they contact you upon receipt of the police report.

Report to SIU, but not to the police

- You do NOT have to make a police report to make a report to SIU.
- SIU will investigate, or provide remedies, even if a police report is not made.

Report to no one

- Remember: ANYONE who works for the University is a mandated reporter, unless they work for the Counseling and Psychological Services, Health Services, or is the Confidential Advocate. If you report to anyone else on campus, they MUST report your concerns to the Office of Equity and Compliance through the [SAFE.SIU.EDU \(https://safe.siu.edu\)](https://safe.siu.edu) page.

SANCTIONS FOR OFFENDERS OF DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING AND DATING/DOMESTIC VIOLENCE

Students

- Student who are found in violation of any misconduct policy involving Discrimination, Sexual Harassment, Sexual Assault, Stalking and Dating/Domestic Violence may be sanctioned in a variety of ways. The sanction would depend on many variables, such as the section of the Conduct Code that was violated, prior sanctions, and nature of the current offense. Sanctions included, but are not limited to, written assignment, censure, class, community service, fines, alteration of housing status, alteration of student status, probation, suspension, and expulsion.
- Students who are alleged to have violated Sections 2.2.1 (Sexual Assault), 2.2.3 (Forcible Fondling), 2.3.1.3 (Dating/Domestic Violence) and 2.3.3 (Stalking), and some other sections of the Student Conduct Code, may also be given an interim suspension, while an investigation and hearing is conducted into the complaint against them. This is determined by the Office of Student Rights and Responsibilities.
- A student found in violation and expelled or suspended may also be given a No Trespass Order for University Property.

Faculty/Staff

- Faculty and staff who are found in violation of any misconduct policy involving Discrimination, Sexual Harassment, Sexual Assault, Stalking and Dating/Domestic Violence may be sanctioned in a variety of ways. The sanction would depend on many variables, such as whether the employee is subject to a collective bargaining agreement, prior sanctions against them, and the nature of the current offense. Sanctions include, but are not limited to, reprimands (oral or written), suspensions, and discharge.
- Faculty/Staff who alleged to have violated the University's policies on sexual harassment, stalking, or dating/domestic violence may also be placed on administrative leave, pending an investigation by ODE.
- A faculty/staff member found in violation discharged or terminated from employment may also be given a No Trespass Order for University Property.

Vendors

- Vendors who are found in violation of any misconduct policy involving Discrimination, Sexual Harassment, Sexual Assault, Stalking and Dating/Domestic Violence may be sanctioned based on the contractual obligations of the vendor.
- A vendor found in violation may be given a No Trespass Order for University Property.

Visitors

- A visitor found in violation may be given a No Trespass Order for University Property.

Webmaster: janecek@siu.edu (<mailto:janecek@siu.edu>)

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TITLE IX (<https://equity.siu.edu/title9.php>) EMERGENCY PROCEDURES (<https://siu.edu/emergency/>)

WEB PRIVACY POLICY (<https://policies.siu.edu/policies/webprivacy.php>) IBHE (<https://www.ibhe.org/>)

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SOUTHERN ILLINOIS UNIVERSITY CARBONDALE STUDENT CONDUCT CODE

The following was approved on May 1991, with amendments on October 3, 1997; May 22, 2001; August 15, 2003; August 10, 2008; April 25, 2011; June 10, 2013; August 14, 2014; January 16, 2015; August 12, 2015 and August 22, 2016 in accordance with provisions set forth in SIU Policies of the Board of Trustees, Section 3.C.

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INTRODUCTION, PURPOSE, JURISDICTION

Introduction

To the Students of Southern Illinois University,

As an SIU student, you are a member of a proud, vibrant and diverse educational community. We embrace the pursuit of knowledge, inclusivity and the belief that we are stronger when we stand together as one. As a member of this community, you have agreed to hold yourself, and every member of the Saluki family, to a higher set of ideas and ideals.

The Student Conduct Code describes a set of expectations designed to reflect the unique culture of our University community while ensuring that all who seek knowledge demonstrate personal integrity and respect for others. It assures that student rights to due process are respected and exercised while allowing for enforcement of the code. All members of our community are responsible for aligning their behavior to the standards and policies set forth in this document, whether on or off campus.

These standards and policies are designed to foster an environment supportive of personal, social and ethical development. They also promote the protection of the rights, responsibilities, safety and welfare of the University community while ensuring that each of us is free to pursue our educational goals.

John M. Dunn
Chancellor

Lori Stettler
Vice Chancellor of Student Affairs

Purpose and Application

Southern Illinois University Carbondale is charged by the State of Illinois and the Southern Illinois University Board of Trustees (Board of Trustees) with the responsibility of developing and administering institutional policies and rules governing the role of students and their conduct. Pursuant to the Policies of the SIU Board of Trustees, Section 3.C. these policies authorize the Chancellor to develop standards and policies to address student rights and conduct.

The student conduct process at the University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies to learn and grow. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

The Student Conduct Code will be applied without regard to any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status. Any adjudication will be based solely on the conduct for which charges were brought against the student.

The Student Conduct Code will be applied in compliance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Students will be afforded all of the rights established under the Student Conduct Code without regard to the student's disability status, and any sanctions imposed will be based solely on the conduct for which charges were brought against the student regardless of whether the student has a disability.

Jurisdiction

The University has a responsibility to provide its members with those privileges, opportunities and protections that encourage and maintain an environment which supports educational development.

The Code applies to:

Student conduct occurring on any property owned, operated, leased or controlled by the University or at any activity sponsored or supported by the University. Student is defined as any person who, at the time of an alleged violation of this Code, meets one or more of the following requirements:

1. A person taking one or more courses, enrolled either full or part-time, and/or pursuing undergraduate, graduate or professional studies.
2. A person notified of acceptance for admission to the University.
3. A person living in property owned, operated or managed by the University, unless the sole purpose for residing in that property is in fulfillment of a requirement of employment.
4. A person who, prior to completing adjudication of alleged violations, graduates, withdraws or is otherwise separated from the University.
5. A person who, may or may not be currently enrolled, but is eligible to enroll in one or more courses without admission.

Recognizing off-campus behaviors often directly affect the educational environment or substantially interfere with the mission of the University, the University shall have the right to adjudicate any alleged violation of any provision of the Student Conduct Code, without regard for the geographic location of the alleged violation, at the discretion of the Vice Chancellor of Student Affairs. This may include violations which occur partly or entirely through electronic means.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct

procedures are conducted with fairness to all but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and an administrative conference before an objective decision maker. No student will be found in violation of the Code without information showing that it is more likely than not that a violation occurred, and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The University reserves the right to initiate disciplinary proceedings for allegations of violations of the Student Conduct Code whenever the University has jurisdiction, regardless of whether criminal or civil proceedings have been commenced. Disciplinary actions by the University are independent of any criminal or civil proceedings and the University will not consider any decision, settlement, judgment or other outcome of a criminal or civil proceeding in the adjudication of alleged violations of this Code. The disciplinary process will not be delayed pending the outcome of any legal proceedings.

Academic dishonesty allegations in the School of Law will be administered through the Professional Ethics Policy of the School of Law.

Academic dishonesty allegations in the School of Medicine will be administered through the School of Medicine Student Progress System.

Law students and medical students charged with alleged non-academic violations of this Code may be subject to the disciplinary procedures outlined in this Code, in addition to being charged under their respective school-specific policy or system. The outcome of any administrative conference under a school-specific policy will not be considered in the adjudication of alleged violations of this Code, though it may be considered in determining appropriate sanctions.

RIGHTS AND RESPONSIBILITIES

The following rights and responsibilities are the foundational principles upon which the Student Conduct Code is based.

Rights

All students have the right to engage in a free exchange of ideas. University policies are intended to safeguard the rights of free inquiry, expression, and assembly.

All students have the right to freely express their views and examine all questions of interest.

All students have the right to be free from discrimination or harassment based on any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental

disability, military status, unfavorable discharge from military service, or veteran's status, in accordance with applicable federal, state and local laws.

All students alleged to have violated any provision of the Student Conduct Code have the right to procedural due process. All students have the right to be free from unreasonable restrictions or intrusions upon privacy, personal property or dignity, in accordance with the provisions of this Code.

Responsibilities

All students are responsible for knowing and complying with the Code as well as all local, state and federal laws, and other University standards, policies and procedures. All students have the responsibility to recognize the ways in which their actions reflect upon and affect the University and every member of the University community. All students have the responsibility to respect and protect the rights of every other member of the University community. All students are personally responsible for their actions, choices and decisions.

STANDARDS OF CONDUCT

The University considers the behavior described in the following subsections as inappropriate for the University community higher standards. These expectations and rules apply to all students, as defined by the University. The University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in this Code.

Academic Misconduct

Acts of academic misconduct include but are not limited to the following:

- A. Plagiarism
 - i. Submitting the work of another person or entity as your own.
 - ii. Failing to cite the work or data of another person or entity.
 - iii. Improperly citing the work or data of another person or entity.
 - iv. Submitting work which has been previously submitted for credit or evaluation without instructor approval.
- B. Preparing work with the knowledge or intention that it may be represented as the work of another.
- C. Sharing or disseminating tests, notes, slides, presentations, recordings or any other material which is the intellectual property of an instructor or of the University without prior approval. This does not prohibit a student from appropriately sharing his or her own papers, notes or other written works.
- D. Knowingly falsifying scientific or educational data or representing falsified scientific or educational data as the result of scientific or scholarly experimentation or research.

- E. Violating any restriction on collaboration which has been duly communicated by an instructor, via a syllabus or otherwise in writing or orally in the course of instruction.
- F. Attempting to obtain a grade or other academic credit through improper means or otherwise subverting the educational process by any means whatsoever.
- G. Soliciting, aiding, abetting, concealing or attempting any act of academic misconduct.

Sexual Misconduct

SIU prohibits sexual assault, dating violence, domestic violence and stalking. Such conduct violates the community values and principles of our institution and disrupts the living, learning and working environment for students, faculty, staff and other community members. Acts of sexual misconduct include but are not limited to the following:

- A. Sexual Assault – Any sexual act directed against another person forcibly or against a person’s will or where the person in question does not or is unable to give consent for any reason (see “Consent” in the *Definitions* section).
- B. Sexual Harassment – Any unwelcome sexual advance, request for sexual favors or any conduct of a sexual nature which has the purpose or effect of:
 - i. substantially interfering with a student’s academic performance, or ability to participate or benefit from any of the academic, athletic, educational, employment, extracurricular or other programs of the University.
 - ii. creating an intimidating, hostile or offensive environment.

The official definition shall be that most recently adopted by the Board of Trustees.

- C. Forcible Fondling – Intentional or attempted contact with the private body parts of another person without the consent of that person.
- D. Stalking – Engaging in a course of conduct, involving two or more independent actions which threatens or endangers the health, safety, emotional welfare or access to academic resources or employment of another person or which would cause a reasonable person to be fearful for his or her safety, health or emotional well-being and which does cause another person to be fearful for his or her health, safety or emotional well-being.
- E. Other Acts of Sexual Misconduct – Any other act of a sexual nature which disrupts or negatively impacts the educational mission of the University, including but not limited to public displays of pornography; possession, creation or distribution of child pornography; the exchange of money, goods or services in exchange for any sexual activity; causing another person to witness or observe any sexual act without clear, voluntary consent; videotaping, photographing or otherwise recording sex acts without the clear, voluntary consent of all individuals involved; or sexual contact between

individuals who are legally prohibited from marrying due to a familial relationship.

- F. Retaliation – Any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in, any complaint or adjudication of alleged sexual misconduct.

General Misconduct

Acts of general misconduct include but are not limited to the following:

1. Alcohol

Use, possession or distribution of alcoholic beverages except as expressly permitted by law and the University's Alcohol Policies.

- A. Manufacture or Production – The manufacture or production of alcohol on University premises or in ways not consistent with state or federal regulations, regardless of intended use. This policy does not prohibit the manufacture or production of alcohol for a valid educational purpose or as otherwise authorized in writing by the Chancellor, or their designee.
- B. Public Intoxication – Any action taken under the influence of alcohol including that which requires intervention by members of the University community, law enforcement, medical staff or other persons to ensure the health, safety or physical well-being of the student in question, another individual or property or to prevent disruption of normal operation of the University or another entity.
- C. Drinking Games – Games or activities occurring, which encourage excessive or unsafe levels of consumption, require consumption as a component of participation or use consumption as a component of winning, losing or keeping score, regardless of the presence of alcohol.
- D. Common Sources – Possessing, serving, supplying or otherwise making available to others a common source of alcohol, except as specifically authorized by University policy. Common sources include but are not limited to kegs, party balls, punch bowls or other containers intended to distribute alcohol in large quantities or to multiple individuals. Commercial containers such as 12 - 16oz cans or bottles 1.75 liters or less are not considered common sources of alcohol.

2. Animals

Students are expected to abide by all University and University Housing animal control policies (<https://policies.siu.edu/other-policies/chapter6/animal.php>).

3. Abuse of Conduct Process

- A. Abuse or interference with, or failure to comply with University processes including conduct and academic integrity adjudication.
- B. Falsification, distortion or misrepresentation of information.

- C. Failing to provide, destroying or concealing information during an investigation of an alleged policy violation.
- D. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system.
- E. Harassment (verbal or physical), in an attempt to influence or intimidate a member of a campus conduct body prior to, during and/or following a campus conduct proceeding.
- F. Failure to comply with the sanction(s) imposed by the campus conduct system or any interim measures imposed.
- G. Retaliation or any act taken against an individual or group, whether directly, electronically or through a third party due to his or her participation in the procedures set forth in this Code.
- H. Influencing, or attempting to influence another person to commit an abuse of the campus conduct system.

4. Bullying and Cyberbullying

Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.

5. Complicity

Having an awareness of, being present during the planning or implementation of, or otherwise assisting with, a violation of any University policy. Students who anticipate or observe a violation of the Student Conduct Code are expected to remove themselves from association or participation and are encouraged to report the incident immediately.

6. Damage and Destruction

Intentional, reckless or unauthorized damage to or destruction of University property or the personal property of another.

7. Discrimination

Any act or failure to act that is based upon an individual or group's actual or perceived status (any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational programs or activities.

8. Disruptive Behavior

Disruption of University operations including obstruction of teaching, research, administration, other University activities or other authorized non-University activities that occur on campus.

9. Drugs

Use, possession or distribution of illegal drugs, misuse of prescription drugs, other substances used as a drug or drug paraphernalia (any object aiding the use of drugs) except as expressly permitted by law.

- A. Cannabis – While Illinois law may allow certain cannabis related activities, possessing and using cannabis remains a crime under federal law, requiring the University to prohibit cannabis on campus.
- B. Manufacture or Production – The manufacture or production of any controlled substance, regardless of intended use.
- C. Sale or Distribution – The sale or distribution of any controlled substance, with or without the exchange of money, goods or services.
- D. Possession with the Intent to Sell or Distribute – The possession of controlled substances for the purposes of sale or distribution. Intent may be established by the presence of paraphernalia commonly associated with distribution, by the manner in which the substances are packaged or by the volume of the substances possessed.

Prescription drugs – Abuse, misuse, sale or distribution of prescription or over-the-counter medications.

10. Excessive Noise/Amplified Sound

Creating excessive noise or using amplified sound without prior authorization in areas where such noise or amplified sound is prohibited by policy or posted sign.

11. Failure to Comply

Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties, failure to comply with assigned sanction of interim action, failure to properly identify oneself to an agent of the University when requested to do so or failing to comply with any sign, requirement, notice or directive that has been posted by an agent of the University.

12. Falsification

Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments, including filing false University/police reports.

13. Fire Safety

Violation of local, state, federal or campus fire policies including but not limited to:

- A. Intentionally or recklessly causing a fire.
- B. Failure to evacuate a University-controlled building during a fire alarm.
- C. Improper use of University fire safety equipment.
- D. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.

14. Gambling

Gambling, which includes raffles, lotteries, sports pools, online betting activities, and that which is prohibited by the laws of the State of Illinois.

15. Harassment

Intentional conduct, without a legitimate purpose, which both causes a person distress or fear and would cause a reasonable person distress or fear. No threat or overt act of violence is required for conduct to be unreasonable. This includes use of technology, including to intimidate, embarrass, ridicule or humiliate another person.

16. Harm to Persons

Intentionally or recklessly causing or inciting physical harm or actions which endanger the health or safety of any person. Fighting, including mutual fighting, is prohibited by this policy.

17. Hazing

Conduct that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent or failing to discourage or failing to report those acts may also be a violation under this policy.

18. Health and Safety Hazards

Creating health or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.), including failure to reasonably maintain control of areas for which a student is responsible such as a student's residence.

19. Indecent Exposure

Intentional display of a person's genital area, buttocks or other area as specified by local, state or federal law, with the intent or foreseeable consequence of causing or forcing another person to observe said area against said person's will.

20. Information Technology Violations

Violating any computer or network use policies established by the University including the SIU Acceptable Use Policy.

21. Rioting

Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others or damage or destruction of property.

22. Solicitation

Requesting, directly or indirectly, money, physical or intellectual property, guest access to dining facilities or any other thing of value without written authorization.

23. Theft or Misuse of Property

Intentional and unauthorized misuse or taking of University property or the personal property of another, including goods, services and other valuables. Knowingly taking, maintaining possession or attempting to sell/distribute stolen property.

24. Threatening Behaviors

- A. Threat – Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property, including bomb threats or other false alarms.
- B. Intimidation or Obstruction – Implied threats or acts that cause a reasonable fear of harm in another or any act which limits any person’s attendance or participation in any academic activity, employment, or University event or function.

25. Trademark Violation

Unauthorized use (including misuse) of University or organizational names and images.

26. Trust Violation

Abuse or misuse of privilege, authority or positions of trust within the community.

27. Unauthorized Access

Creating or permitting unauthorized access or entry to any University building; tampering or disabling security systems; or unauthorized possession, duplication or use of means of access to any University building (e.g. keys, cards, etc.) or identification card; or failing to timely report a lost University identification card or key.

28. Unauthorized Business Activities

Attempting, directly or indirectly, to sell any service, any item or thing of value; or engaging in any other business activity, including e-commerce, on campus without written authorization.

29. Unregistered RSO/Ineligible Pledging or Association

Operating an unregistered Student Organization by any means, including pledging or associating with a student organization alleging affiliation with the University, without having met eligibility requirements and gained recognition in good standing as established by the University.

30. Weapons

Possession, use or distribution of explosives (including fireworks and ammunition); guns (including air, BB, paintball, facsimile weapons and pellet guns); or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars or knives with a blade of longer than 3 inches; or any object intended for use as a weapon or behavior otherwise incongruent with the SIU Firearm Policy. Students are permitted to carry, but not misuse, pepper spray and other legal personal safety devices not otherwise prohibited; however, students choosing to carry such devices are responsible for ensuring that they are properly secured and maintained and only used in cases of emergency.

31. Wheeled Devices

Skateboards, rollerblades, roller skates, bicycles and similar wheeled devices are not permitted inside University buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.

32. Violations of Law

Evidence of violation of local, state or federal laws, when substantiated through the University's conduct process.

33. Other Policies

Violating other published University policies or rules, including all policies set forth in such documents as the University Housing Resident Handbook, Student Organization Handbook, Greek Letter Organization Policy, etc.

FORMAL CONDUCT PROCEDURES

The Student Conduct Code differs from a legal code and, as such, legal concepts, definitions, limits, objections, processes, procedures, regulations and standards do not apply. The Student Conduct Code will be administered without regard for concurrent legal proceedings or timelines.

The burden of proof in all adjudications lies with the person or entity alleging the violation. The standard of proof necessary for a determination that a violation of a provision of this Code has occurred is a preponderance of the evidence, which requires that the alleged violation be found to be more likely than not to have occurred.

The University is the convener of every action under this Code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. There are witnesses, who may offer information regarding the allegation.

There is an Administrator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

Below, are outlined the three distinct procedures of adjudication, depending on whether the alleged misconduct is academic, sexual or general in nature, as defined above in *Standards of Conduct*.

Amnesty

The University may provide amnesty to those who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. To encourage students to offer help and assistance to others, or to report other serious violations, the University adheres to a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance.

Abuse of amnesty requests can result in a decision by the Director of Student Conduct not to extend amnesty.

Group Violations

A student group or organization and/or its officers and membership may be held collectively and/or individually responsible when violations of this Code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit.
- Have received the consent or encouragement of the organization or of the organization's leaders or officers.
- Were known or should have been known to the membership or its officers.

Conferences for student groups or organizations follow the same general student conduct procedures. The organization President and organizational Advisor will be notified of the alleged violations. Generally, the only individuals present for all parts of the administrative conference are the conference Administrator, the accused organization President and organization Advisor, unless additional members' presence are deemed appropriate by the conference Administrator. In any such action, individual determinations as to responsibility may be made and sanctions may be assigned collectively and/or individually.

Interim Action

Under the Student Conduct Code, the University may impose restrictions and/or separate a student or an organization (hereafter referred to as "student") from the community pending the scheduling of an administrative conference on alleged violation(s) of the Student Conduct Code when a student's/organization's continued presence represents a threat of serious harm to others, is facing allegations of serious

criminal activity, to preserve the integrity of an investigation, to preserve University property or to prevent disruption of, or interference with, the normal operations of the University. The scheduling of the administrative conference to adjudicate alleged violation(s) of the Student Conduct Code will generally occur within ten (10) days.

A student/organization who receives an interim action may request a meeting with the Dean of Students, or the Dean's designee, to demonstrate why the interim action is not merited. This meeting will generally occur within three (3) days of the request and the decision from this meeting is not subject to appeal. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of the administrative conference. Interim actions shall remain in effect until a final decision has been made on the complaint.

During an interim action, a student/organization may be denied access to University housing or the University campus/facilities/events. As determined appropriate by the University, this restriction may include classes or any other University activities or privileges for which the student/organization might otherwise be eligible. At the discretion of the Dean(s), faculty, etc., and under certain circumstances, it may be possible for the student to pursue alternative coursework options to ensure as minimal an impact as possible on the responding student.

In certain circumstances, during the investigation of allegations it may be deemed necessary to extend the length of the interim action. The investigator shall make the request of the Dean of Students, or designee, who will consider the level of threat posed by the student's/organization's continued presence on campus along with the evidence of the good faith effort to complete the investigation as quickly as possible. The Dean, or designee, will notify the student/organization if an extension is to be granted. The decision on this action is not eligible for appeal.

Notice of Alleged Violation

Any member of the University community, visitor or guest may report alleged policy violation(s) by any student for misconduct under this Code via the following URL: <http://srr.siu.edu/>. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

Adjudication of Alleged Academic Misconduct

Adjudication of alleged violations of Academic Misconduct contained within this Code shall occur in accordance with the following procedures. All allegations of Academic Misconduct in the Student Conduct Code must be reported to Student Rights and Responsibilities within ninety (90) days of the discovery of an alleged violation.

Instructors shall have initial jurisdiction to resolve any allegation of academic misconduct occurring within, or in relation to, any class for which he or she is the

instructor. Academic misconduct that is alleged to have occurred in the course of research, scholarly activity, dissertation research, field placement or clinical practicum shall be under the initial jurisdiction of the faculty advisor or department. Such individuals shall be collectively referred to as “instructor” for the purposes of this Code.

Academic misconduct violations that are not related to a specific course shall be under the jurisdiction of the Office of Student Rights and Responsibilities, or designee. In cases where initial jurisdiction is unclear or is disputed by any party, the Director of Student Rights and Responsibilities will determine the appropriate jurisdiction for adjudication. This decision is not subject to appeal.

In cases where a graduate student is alleged to have violated a provision of this Code, the Dean of the Graduate School, or designee, shall have jurisdiction over the adjudication, if not resolved under the procedures defined in the *Procedures when Responsibility is Contested* subsection.

When an incident of academic misconduct is alleged, either by an instructor or by a third party, the student will be notified of the allegation in writing. This notification shall include the Standard(s) of Conduct alleged to have been violated and the date and time of the alleged violation, if available.

This notification will refer students to the section of the Student Conduct Code which addresses procedures applicable to the adjudication of academic misconduct. This notification will inform students of their right to accept in full or contest, in part or in full, the allegation(s). This notification will be sent to the student, the Department Chair, the Dean of the relevant college and the Director of Student Rights and Responsibilities.

Procedures when Responsibility is Accepted

1. To accept responsibility for a violation, a student must respond to the notification of alleged violation(s), in writing, stating his or her acceptance of responsibility for all alleged violation(s). The student must respond within 5 days. Failure to respond within 5 days may result in adjudication of the allegations without the students' response.
2. Upon receiving the written acceptance of responsibility, the instructor or other Administrator will schedule a meeting with the student. Prior to this meeting, the instructor or other Administrator should contact the Office of Student Rights and Responsibilities to determine if there are any factors relevant to sanctioning.
3. At the meeting, the incident, as well as any factors affecting sanctioning, will be discussed. The student has the opportunity to present any information or evidence which may mitigate the sanctions being imposed. If responsibility is not in question, witnesses and advisors are not permitted at this meeting.
4. Following the meeting, the outcome, including any sanctions, will be communicated in writing, generally within five (5) days, to the student, the relevant Department

Chair, and the Dean of the relevant college and the Director of Student Rights and Responsibilities for inclusion in the student's conduct record.

5. In cases where a student accepts responsibility, the case is ineligible for appeal, except in cases where the student is alleging that the sanctions are excessively severe.
6. Sanctions imposed shall be issued in accordance with this Code.

Procedures when Responsibility is Contested

1. In cases where a student contests, in part or in whole, the violations alleged, he or she must respond to the notification in writing, stating that he or she contests all alleged violations or listing which violations are contested and which are not. The student must respond within 5 days. Failure to respond within 5 days may result in adjudication of the allegations without the students' response.
2. Upon receiving notice that alleged violation(s) are contested, the instructor shall notify the Dean of the relevant college. The Dean shall schedule a meeting with the instructor and the student, which must be communicated in writing. All parties shall be given at least five (5) days' notice of the date, time and location of this meeting.

Academic Misconduct Administrative Conference Procedures

1. The University may elect to record the conference proceedings which, if so, shall constitute the only permissible recording of the conference proceedings. Video, audio, stenographic or photographic recording of conference proceedings shall only be by the Administrator and at the sole discretion of the Administrator.
2. Administrative conferences are closed to the public. The only people present for all parts of the administrative conference are the Dean or Administrator, the instructor, the accused student and the student's advisor.
3. At the administrative conference, the instructor will present any witnesses and evidence relevant to the alleged violations. Following this presentation, the student will have an opportunity to respond as well as to present any witnesses and evidence contesting the alleged violations.
4. Both the instructor and the student will have equal opportunity to present witnesses and evidence relevant to the alleged violations. The Dean shall have the right to disallow any witness or evidence presented which does not directly relate to the alleged violations. Character witnesses are generally not necessary as allegations are a question of a students' behavior, not a question of a student character.
5. In accordance with limitations outlined in the definitions, a student is allowed one advisor to assist him or her during the adjudication of alleged violations of the Code.
 - A. Students are required to represent themselves during the adjudication. The advisor is not permitted to present evidence, testimony or to cross-question witnesses. Statements made by an advisor will not be considered by the Administrator in determining the outcome of the adjudication.
 - B. In cases where a student requires a language translator or interpreter in order to fully participate in the process, the translator or interpreter will be selected by Student Rights and Responsibilities and will not be considered an

advisor. Locating and securing the services of a translator or interpreter may postpone the proceedings. If a translator or interpreter cannot be located, the administrative conference may be held in writing, with all witnesses, and the accused student, providing written statements.

6. The Dean may impose limits on the length of time granted for presentations by parties or witnesses but these restrictions must apply equally to both parties and may not be so restrictive as to limit the student's ability to present an effective response.

The Dean may determine whether cross-questioning by the student and instructor of each other and/or witnesses is appropriate. This determination must apply to both parties equally. The Dean has the right to disallow any question which is not appropriate or related to the matter at hand.

7. At the request of the Dean or either party, Student Rights and Responsibilities will provide an impartial staff member, who will serve to answer any questions about the process and ensure that appropriate procedures are followed.
8. Following this meeting, the Dean will generally communicate the outcome of the administrative conference, as well as any applicable sanctions, in writing to the student and the instructor within five (5) days, generally. The outcome shall also be communicated to the Director of Student Rights and Responsibilities for inclusion in the student's conduct record.
 - A. Sanctions issued shall be in accordance with the *Sanctions* section of this Code.
 - B. Students shall have the right to appeal the outcome of this administrative conference in accordance with the timelines and procedures outlined in the *Appeals* section of this Code.

Investigative and Adjudicative Procedures for Allegations of Sexual Misconduct

Alleged violations of any of the provisions listed in the *Sexual Misconduct* section of this Code, which is alleged to create a hostile environment for another member of the University community may, at the discretion of the Title IX Coordinator, or designee, be subject to investigation under the following procedures.

All allegations of violations investigated under the procedures detailed above must be reported within one hundred twenty (120) days of the discovery of an alleged violation by a member of the University community or law enforcement agency. Extensions may be granted at the discretion of the Title IX Coordinator who may waive this deadline in writing if the facts or circumstances warrant such a waiver. The determination of the Title IX Coordinator is final and is not subject to appeal.

When a student is alleged to have violated any of the provisions listed in the *Sexual Misconduct* section of this Code, the Title IX Coordinator may require an investigation into the allegation and following this investigation, shall render a finding as to whether such violations are likely to have occurred. In the event the accused student is also an

employee of SIUC in a capacity other than a student work employee, the investigation will be conducted by the Title IX Coordinator according to the SIUC Discrimination (Including Sexual Harassment) Complaint and Investigation Procedures. The Title IX Coordinator shall refer any findings to Student Rights and Responsibilities for appropriate discipline under this Code in addition to any other disciplinary procedures.

The investigator will prepare a report of the investigation and forward it to the Title IX Coordinator for a determination of whether there is sufficient evidence to make a finding of sexual harassment, sexual assault, dating/domestic violence or stalking. If no finding of sexual harassment, sexual assault, dating/domestic violence or stalking is made, the Title IX Coordinator shall submit the investigation report along with the finding to Student Rights and Responsibilities for a conference on any other allegations.

If the Title IX Coordinator determines there is sufficient evidence to support a finding of sexual harassment, sexual assault, dating/domestic violence or stalking, the Title IX Coordinator shall submit the investigation report along with the finding to Student Rights and Responsibilities for a sanctioning conference. Both the accused student and the victim have the right to appeal as set out in *Procedures for Appeal in Cases Investigated Under "Sexual Misconduct."*

The accused student and the victim will be notified in writing of the provisions alleged to have been violated. This notification will refer the accused student and the victim to the section of this Code which addresses procedures applicable to the adjudication of alleged violations.

Adjudication of Alleged General Misconduct

General Misconduct Administrative Conference Procedures

All other allegations of misconduct shall be adjudicated through these procedures.

1. Once it is determined that administrative conference proceedings will be initiated, all allegations along with the date, time and location of the administrative conference will be issued to the student in writing. All allegation and conference notices will be emailed to the student's University email account and will be presumed to be delivered unless returned as undeliverable. Students are responsible for checking their University email account. Students will be given at least three (3) days from time of notification of allegations to time of scheduled conference.
2. Students will meet with the designated Administrator(s) assigned to the case in a closed administrative conference. The University will exercise control over the conference to avoid needless consumption of time, avoid repetition of information, call a recess if needed, and ensure the proper treatment of all participants.
 - A. If the possible outcome of a finding of responsibility could result in a sanction of suspension or expulsion, an Administrative Panel will be convened.

Administrative Panel conferences will follow these same general administrative conference procedures.

- i. The conference Administrator will facilitate the Administrative Panel conference and the Administrative Panel will determine responsibility and assign sanctions if there is a finding of responsibility.
 - B. Prior to this conference, students are encouraged to arrange a meeting with the conference Administrator to review all available information to be discussed at the conference and to learn the names of any witnesses called by the University. Students may take notes on the information provided but will not receive copies of reports or other information during the review or conference, and may not take video, photographs, etc. of the information.
3. During this conference, students can expect the following:
 - A. The opportunity to discuss and understand all allegations and the conduct process in a civil manner. Failure to maintain appropriate decorum may result in the removal of the student from the conference and the conference proceeding in the student's absence;
 - i. If multiple students are alleged to have violated policy within the same incident, the University may present evidence to all involved parties at the same time and then meet with each student individually in an administrative conference.
 - B. The expectation to speak truthfully about the events in question, cover details extensively and discuss responsibility or lack thereof in the situation;
 - i. These conferences will, above all, be focused on what behavior may lead to a finding of responsibility and, if so found, how to work to correct future behavior.
 - ii. Students are expected to take responsibility for any misconduct and to be willing participants in correcting said behavior and restoring to the community as needed.
 - iii. If found responsible for a violation of the Code, to discuss appropriate sanctions. This could include a full discussion of all sanctions or the possibility of sanctions to be determined later. If sanctions are to be determined later they will be determined by the Administrator using only information presented in reports and during the conference;
4. During a conference, the student is entitled to:
 - A. Appear in person and be an active participant in the conference;
 - B. Have an advisor present for the conference.
 - i. It is preferred that the name of the advisor be submitted to the Administrator in writing, at least twenty-four (24) hours prior to the scheduled conference whenever possible. The advisor may not address the Administrator or other persons at the conference unless permitted by the Administrator. The advisor serves in a non-speaking, non-participatory role during the conference with the exception of the ability to consult with the student at reasonable intervals during the course of the conference. Witnesses who have been interviewed

as part of the investigation or are to be called to the conference may not also serve as advisors. Advisors or witnesses who are disruptive or otherwise do not maintain appropriate decorum may be removed from the conference proceedings and the conference will proceed in their absence;

- C. Have relevant witness statements considered as part of the proceeding. The student may provide a list of firsthand witnesses to the event or actions in question to the Administrator in writing. The University reserves the right to set a reasonable limit to a number of witnesses. Witnesses may submit written statements in lieu of attendance at the administrative conference. A witness must be a person who has direct knowledge of the event or actions in question. Character witnesses are generally not necessary as allegations are a question of a student's behavior, not a question of a student's character;
 - D. Elect not to appear at the conference, in which case the conference shall be conducted in the student's absence with the information available at that time;
 - E. Refuse to answer any questions or make a statement. The refusal to participate shall not be presumed to be an admission of responsibility; the Administrator shall make a decision on the basis of all information available at the time of the conference;
 - F. Confidentiality. All conferences shall be conducted in private session. All statements, information or comments given during conferences will be held in the strictest confidence by the student, the Administrator (in accordance with FERPA), University staff and advisors before, during and after deliberation. It is necessary to have a mutual expectation of maintaining confidentiality of information presented at the conference.
 - G. The right to an appeal.
- 5. The University may elect to record the conference proceedings which, if so, shall constitute the only permissible recording of the conference proceedings. Video, audio, stenographic or photographic recording of conference proceedings shall only be by the Administrator and at the sole discretion of the Administrator.
 - 6. Administrative conferences are closed to the public. The only people present for all parts of the administrative conference are the Administrator, the accused student and the student's advisor.
 - 7. At the administrative conference, the Administrator will present any witnesses and evidence relevant to the alleged violations. Following this presentation the student will have an opportunity to present any witnesses and evidence pertaining to the alleged violations.
 - 8. The student will have the opportunity to present witnesses and evidence relevant to the alleged violations. The Administrator shall have the right to disallow any witness, as outlined above.
 - 9. The Administrator may call a recess in the proceedings to facilitate a break, to gather further relevant information or to extend conference proceedings to subsequent days as requested by the student and/or deemed necessary by the Administrator.

10. At the conclusion of all conference proceedings, the conference administrator will have up to three (3) days to notify the student of a finding.
11. If found not responsible for any violations of the Code, the case will be considered closed.
12. If found responsible, students may receive sanctions at the conclusion of the administrative conference at the discretion of the Administrator(s). Otherwise all sanctions will generally be sent within three (3) days and in the same fashion as the notification of allegations.
 - A. When responsibility is acknowledged or determined, prior to the determination of the sanction(s), the administrator may allow the introduction of written or oral statement(s) which detail the impact on any victim(s) the violation caused;
13. Students shall have the right to appeal the outcome of this administrative conference in accordance with the timelines and procedures outlined in the *Appeals* section of this Code.

CONDUCT SANCTIONS

Potential sanctions include but are not limited to those listed below and may be issued alone or in combination.

The Administrator(s) may consider any information which he or she believes to be relevant in determining appropriate sanctions, including, but not limited to: academic performance, consultation with other entities, evidence provided at the administrative conference, information indicating that the violation was committed as a result of bias, prior conduct history or any other relevant information.

Any sanction may be issued in a conditional status (generally referred to as a “deferred” sanction), contingent upon compliance with a designated set of conditions, including appropriate future conduct for a period of time. In these situations, failure to comply with the designated conditions will result in the immediate enactment of the conditional sanction. Conditional sanctions may only be appealed at the time of issuance; Appeals at the time of enactment will not be considered timely and will not be heard.

Sanctions shall be considered in effect at the time they are communicated in writing to the student, either in person or sent to a student’s University email address.

Academic Sanctions

These sanctions may only be issued in conjunction with academic misconduct, unless otherwise directed by the Vice Chancellor of Student Affairs or the Office of Student Rights and Responsibilities.

Academic Censure – A written warning that behaviors exhibited are inconsistent with the values and standards set forth by the University and are not acceptable behavior for students of the University.

Adjustment of Grade on an Examination, Paper, Quiz, Test or Other Assignment – A reduction in letter grade, points or percentage on work determined to be connected to the violation.

Failure of an Examination, Paper, Quiz, Test or Other Assignment – A directed grade of zero (0) or F on work determined to be connected to the violation.

Adjustment of Course Grade – A reduction in letter grade for the course in which a violation occurred.

Failure of a Course – A directed grade of F assigned for the course in which the violation occurred.

Suspension – See “Suspension” in Administrative Sanctions section. This sanction may only be imposed by the Director of Student Rights and Responsibilities or the Administrative Panel.

Expulsion – See “Expulsion” in Administrative Sanctions section. This sanction may only be imposed by the Director of Student Rights and Responsibilities or the Administrative Panel.

Revocation of Degree – Revocation of a previously awarded academic degree. This sanction may only be imposed in situations where it has been determined a degree was obtained as a result of fraud or a significant portion of the work submitted in fulfillment of, and indispensable to the attainment of, said degree was obtained via one or more acts of academic misconduct. This sanction may only be imposed by the Provost.

Administrative Sanctions

Any sanction which the adjudicating officer believes to be appropriate may be assigned in response to the violation. Most sanctions are intended to be educational and provide students with an opportunity to reflect and learn from the adjudication of a violation or attempt to restore or promote the academic environment of the University community. Common sanctions include but are not limited to:

Probation – Removal of a student from good conduct standing. This sanction prevents a student from representing the University in extracurricular activities or serving in formal leadership roles on campus. It is a formal warning to the student that the behaviors exhibited by the violation are unacceptable in an educational community and serves as notice that any further violations of any provision of this Code will call into question the student’s right to remain a member of the University community. Probation is issued for a stated period of time appropriate to the type of violation and the student’s history of violations of this Code, after which time a student’s good conduct standing is restored.

Suspension – An involuntary separation of a student from the University for a stated period of time. While suspended, a student is barred from all University premises and is prohibited from participating in University-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time the suspension is enacted. Suspension is imposed for a period of time appropriate for the type of violation and the student’s history of violations of this Code. Prior to the lifting of a suspension, all other imposed sanctions must be completed, unless otherwise noted in the written notification of sanctions or at the discretion of the Office of Student Rights and Responsibilities.

Expulsion – Permanent, involuntary separation from the University. When expelled, a student is barred from all University premises and is prohibited from participating in University-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time that the expulsion is enacted.

Alteration of Housing Status – An administrative restriction which prohibits a student from entering or residing in a specified building, area or from all property owned, operated, leased or controlled by University Housing. Students are responsible for any administrative costs associated with this sanction, including any specified penalties associated with breaking a contract with University Housing. This sanction may only be imposed with approval from the Director of University Housing.

Class, Activity or Workshop – Required attendance in a class, activity or workshop designed to educate students as to the risks and consequences of exhibited behaviors. Any assigned classes shall be non-credit and will not be reflected on a student’s transcript. The student is responsible for any costs associated with participation in a class, activity or workshop.

Community Service – Completion of a specified number of community service hours. Specific requirements, such as location or type of service or specific verification requirements, may be imposed by the Administrator. These hours may not be used to meet any other organizational service hours or philanthropic requirement.

Fine – The purpose of this sanction is to ensure that students do not profit from violations of the Student Conduct Code, to reduce a student’s financial ability to repeat a violation, or to provide funds to pay for costs directly associated with the type of violation in question.

Mandated Assessment – A mandatory assessment by one or more units of the University or by a licensed health care provider in the community. Based upon

such an assessment and upon the recommendation of the provider, a student may be required to attend follow-up meetings, sessions or assessments. The student is required to authorize the provider to share relevant information with the conference Administrator in order to confirm satisfactory completion of the assigned sanction. The student is responsible for any costs associated with this assessment and all required follow-up meetings, sessions or assessments.

Mandatory Program Sponsorship – A requirement to research, plan, and execute a program on a topic which the Administrator determines to be appropriate to the nature of the violation. The Administrator will specify the type and nature of the program, as well as determine specific requirements, which may include advertising, co-sponsorship or attendance goals, which must be met.

Restitution – Payment of specified costs incurred by another person, entity or the University. These costs may include but are not limited to the cost to repair or replace items or facilities which were damaged, destroyed, stolen or vandalized; the cost of time and labor for temporary and/or permanent repairs or any associated cleaning costs. Estimates may be used in determining costs or costs may be determined after restoration is complete to ensure an accurate assessment.

Restriction on Activity – Restriction of a specific activity directly related to a violation for a specified period of time.

Written Assignment – A designated written activity related to the specific violation(s). To be completed as assigned by the conference Administrator.

Written Warning – An articulated statement that behaviors exhibited are inconsistent with the values and standards set forth by the University and are not acceptable behavior for students of the University.

Organizational Sanctions

University reserves the right to impose any of the aforementioned sanctions in addition to the sanctions listed below:

Organizational Probation - Removal of an organization from good conduct standing. Imposition of this sanction prevents an organization from accessing, utilizing or being eligible to request funds from the Undergraduate Student Government or the Graduate and Professional Student Council, as well as any other sources of University funding. It does not restrict access to funds generated by the organization through fundraising activities, membership dues or other non-institutional sources. While on probation, members of the organization are prohibited from traveling, for any reason, through the use of University funds, resources and vehicles for the purposes of representing the

organization. Organizational Probation is a formal warning to the organization that the behaviors exhibited by the violation are unacceptable in an educational community and serves as notice that any further violations of any provision of this Code will call into question the organization's right to remain a member of the University community. Probation is issued for a stated period of time appropriate to the type of violation and the organization's history of violations of this Code, after which time, barring any further violations an organization's good conduct standing is restored.

Organizational Suspension - An involuntary separation of an organization from the University for a stated period of time. While suspended, an organization is barred from representing the University, operating on all University premises and from participating in University-sponsored activities. Suspension is imposed for a period of time appropriate for the type of violation and the organization's history of violations of this Code. Prior to the lifting of a suspension, all other imposed sanctions must be completed, unless otherwise noted in the written notification of sanctions.

Organizational Expulsion - Permanent, involuntary separation from the University. When expelled, an organization is barred from representing the University, operating on all University premises and is prohibited from participating in University-sponsored activities.

Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by Administrators when permitted by FERPA or consent of the student.

NOTIFICATION OF OUTCOMES

The outcome of an administrative conference is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a crime of violence, the University will inform the alleged victim bringing the complaint in writing of the final results regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged responding student's name, the violation committed and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint, in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a crime of violence offense, the University may also release the above information publicly or to any third party. FERPA defines “crimes of violence” to include:

- 1) Arson
- 2) Assault offenses (includes stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offenses
- 10) Non-forcible sex offenses

FAILURE TO COMPLETE CONDUCT SANCTIONS

All students and groups, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by administrative conference officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in a registration hold being placed on the student’s account, additional sanctions being imposed and/or suspension from the University. A hold or suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Office of Student Rights and Responsibilities.

APPEALS

Procedures for Appeal in Cases Investigated Under “Sexual Misconduct”

In cases investigated under *Sexual Misconduct*, if a student found to be in violation files an appeal, and a victim, as defined by this Code, has been identified, the victim shall be notified of the appeal, provided a copy of all documents submitted by the appellant and shall have three (3) days to submit a response to the appeal.

If the victim files a response, the appellant shall be provided a copy of any documents supplied by the victim and shall have two (2) days to submit any responding documents. If the appellant supplies a response, the victim shall be provided with a copy of any documents supplied by the appellant and shall have two (2) days to submit any responding documents.

Following this, both parties shall have available to them, all appeal documents which have been submitted and shall have one (1) day to submit, in writing, any summative remarks to be considered by the appeal officer. New evidence submitted at this point will not be considered by the appeal officer. In cases where the initial appeal is filed by the victim in a case, the accused student shall have the same rights as the victim, as

noted above.

In situations involving a victim, as defined in this Code, the victim shall have the right to notification of the outcome of an administrative conference or appeal and the right to file an appeal of that outcome, subject to the procedures, conditions, timelines and limitations set forth above.

Potential outcomes for an appeal may include the case being remanded for a new investigation. This new investigation will not be completed by the investigator who originally reviewed the case. In these circumstances, any sanctions which have been issued will be held in abeyance pending the outcome of the new investigation.

Procedures for Appeal in All Other Cases

The student may request an appeal of the decision of the administrative conference to the Office of Student Rights and Responsibilities, subject to the procedures outlined on srr.siu.edu. An appeal is not a new administrative conference; it is a procedural safeguard to ensure students receive a fair administrative conference and equal access to their rights articulated in this Code. An appeal may be filed by the respondent or by a victim, as defined in this Code. The person filing the appeal is referred to as the appellant.

A student has three (3) days from the date and time an email was sent to a student's University email address with notification of the outcome to submit an appeal. Appeals submitted after this deadline will generally not be considered. Any exceptions are made at the discretion of the Office of Student Rights and Responsibilities and, when appropriate, the Title IX Coordinator. Appeals will be addressed in the most reasonable time frame possible following the submission of the appeal; outcomes will generally be rendered within five (5) days.

All sanctions imposed by the original administrative conference body remain in effect while the appeal is considered. In cases appealing a sanction of suspension, expulsion or revocation of degree, the appeal shall be referred to the Dean of Students, or designee. The decision of the Dean or designee is final and there is no further avenue of appeal. In cases appealing any sanction less than suspension, expulsion or revocation of degree, the appeal shall be referred to the designee of the Dean of Students and managed by the Office of Student Rights and Responsibilities. The decision of the Dean's designee is final and there is no further avenue of appeal.

Appeals requests are limited to the following grounds:

- 1) A procedural error occurred that significantly impacted the outcome of the administrative conference (e.g. substantiated bias, material deviation from established procedures, etc.).
- 2) To consider new evidence, unknown at the time of the original conference or investigation that could substantially impact the original finding or sanction.

Failure to provide information during or to participate in an investigation or a conference, even resulting from concern over pending criminal or civil proceedings, does not make evidence “unknown” at the time of the conference. A summary of this new evidence and its potential impact must be included in the appeal.

- 3) The sanctions imposed are substantially disproportionate to the severity of the violation.

The burden of proof rests on the appellant to show a valid basis for appeal. The appellant must show that it is more likely than not that the alleged basis for appeal exists and affected the outcome of the administrative conference.

Potential outcomes for an appeal include a finding of no basis for appeal, that the decision is upheld, that the decision will be modified, that the decision will be overturned or that the case will be remanded for a new administrative conference.

Sanctions become effective on the date they are communicated in writing to the student and are not held in abeyance pending the filing or outcome of any appeal. Sanctions may be held in abeyance when a case is remanded for a new administrative conference. In accordance with Board of Trustees Policy, a student is not eligible to graduate while an appeal is pending.

DISCIPLINARY RECORDS

All conduct records are maintained by the University for a minimum of seven (7) years from the time of their creation. Conduct records that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, are maintained indefinitely.

INTERPRETATION AND REVISION

The Vice Chancellor of Student Affairs, or designee, shall be responsible for ensuring the application and administration of the Student Conduct Code. Interpretation of the Code shall be at the discretion of the Vice Chancellor of Student Affairs, or designee, for final determination.

The Student Conduct Code shall be reviewed in its entirety not less than once every two (2) years, and more frequently upon the written recommendation of the Director of Student Rights and Responsibilities and with the approval of the Chancellor. The Chancellor shall appoint a committee consisting of one member of the student body, one member of the faculty, one member of the administration, and one member from the Office of the General Counsel.

The chair of the committee shall be the Director of Student Rights and Responsibilities. The member representing the student body and the member representing the administration shall be recommended by the Vice Chancellor of Student Affairs. The

member representing the faculty shall be recommended by the Provost and Vice Chancellor. If either Vice Chancellor fails to appoint a member within 30 days of being formally requested, the Director of Student Rights and Responsibilities shall make such recommendations as necessary to appoint all members listed.

Following approval of any amendments to the Code, they shall be considered in effect on the day following the date that written notification, to include the internet address (<https://srr.siu.edu/student-conduct-code/>) where the amended version of the Code can be found, is sent to all students via email, from the Vice Chancellor of Student Affairs or designee.

DEFINITIONS

Accused Student – Any student who is alleged to have violated a provision of this Code.

Address – The local address on record with the Office of the Registrar and/or the email address issued by the University. Students are reminded that University email is the University’s primary means of communication with students. Students are responsible for all communication delivered to their University email address.

Adjudication – The process by which alleged violations of this Code are resolved, including all administrative conferences and appeals.

Administrative Conference – An investigative and adjudicative proceeding to discuss alleged violations of this Code in which a student is afforded rights provided for in the Code, sometimes referred to as a “conference.”

Administrator – Any person or entity authorized by the University to adjudicate allegations of misconduct, determine whether a violation has been committed and to determine sanctions appropriately.

Administrative Panel – Generally a three person group of administrators authorized by the University to adjudicate allegations of misconduct when a possible outcome of a finding of responsibility could lead to suspension or expulsion.

Admission – Admission, readmission, re-entry, registration or re-registration, as a student, into any educational program at SIU.

Advisor – Any individual selected by a student to assist the student during the adjudicative process. Advisors may not have had direct involvement with the alleged violation, either as an involved party or a witness unless such a person’s presence is approved by the Director of Student Rights and Responsibilities prior to the conference. The determination of the Director shall be final and is not subject to appeal.

Allegation – An allegation of a violation of a specific provision of this Code. Also referred to as “violation,” although findings of responsibility come only after due process has been afforded to the accused.

Appeal – The process by which a student may contest the decision of an administrative process.

Board of Trustees – The Board of Trustees of Southern Illinois University.

Chancellor – The individual appointed by the Board of Trustees to the position of Chancellor of Southern Illinois University Carbondale. This term refers to the person holding the title as well as his or her designees.

Complainant – Any member of the University community who alleges a violation of the Code. In situations where a complaint is brought by a member of the faculty or staff or in situations where a complaint is initiated by an entity outside the University, the University shall act as complainant. When a student brings a complaint, the University may act as complainant at the discretion of the Director of Student Rights and Responsibilities.

Complaint – A formal statement alleging that an individual’s or group’s behavior has violated one or more provisions of the Code.

Conditional Sanction – Any sanction may be issued in a conditional status, contingent upon compliance with a designated set of conditions, including appropriate future conduct for a period of time. In these situations, the determination, via due process, of a failure to comply with the designated conditions may result in the enactment of the conditional sanction immediately. Conditional sanctions may only be appealed at the time of issuance. Appeals at the time of enactment will not be considered timely and will not be considered.

Consent – a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Lack of verbal or physical resistance does not constitute consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, and consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs or other intoxicants does not diminish one’s responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his or her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other

reason. Consent cannot be given when it is coerced, forced or obtained by use of duress, fear, threats or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. A person's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

Controlled Substances – Controlled substances include but are not limited to: cannabis, cocaine, ecstasy, heroin, LSD, methamphetamines, prescription medications or other natural or synthetic intoxicants.

Day – A day is generally defined as any weekday not designated by the Office of the Registrar as a holiday or administrative closure day, unless otherwise stated.

Designee – Any person to whom a specific authority or responsibility has been delegated by the holder of the authority or responsibility. Designees are generally appointed by the Board of Trustees, Chancellor or other University officers.

Director of Student Rights and Responsibilities – The University Administrator with assigned authority over the Office of Student Rights and Responsibilities.

Drug – Any substance (other than food that only provides nutritional support) that, when inhaled, injected, smoked, consumed, absorbed or dissolved causes a temporary (and often psychological) change in the body.

Finding – A formal determination that an alleged violation of University policy is more likely than not to have occurred.

Greek Letter Organization – an identifiable group or association that holds membership in one of the four governing bodies overseen by the Inter-Greek Council – the College PanHellenic Council (CPH), Inter-fraternity Council (IFC), Multicultural Greek Council (MGC), and National-Pan-Hellenic Council (NPHC).

Instructor – Any member of the faculty, teaching assistant or other person responsible for instruction related to an academic course.

Interim Action or Sanction – A formal limitation or requirement imposed upon a student as a result of an alleged violation, for a limited time, pending a formal adjudication and subject to the limits set forth in this Code.

Investigator – Any person with specific knowledge, experience and training in the investigation of allegations of sexual assault, sexual harassment, dating/domestic violence or stalking who has been appointed by the Title IX Coordinator to investigate allegations of alleged misconduct.

Notification – Documented communication between the University and a member of the University community via written or oral communication, which may include communication via campus mail, hand delivery, telephone, email, or US mail. Notification refers to the act of delivery and is considered complete without regard for an individual's choice to access, read or respond to the communication. Students are reminded that University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

Organization Advisor – The member of the University faculty or staff who has been identified as, and accepted, the advisor role of a Greek Letter Organization or a Registered Student Organization, as defined in this Code, at the time that notice of the alleged violation is initially communicated.

Organization President – The student whom an organization has identified as the primary officer of the organization through election, appointment, seniority or other means, regardless of the specific title at the time that notice of the alleged violation is initially communicated. The individual on record with the Office of Student Life as holding this position shall generally be considered the organization president.

Policy – Any rule or regulation which has been duly authorized, passed, enacted or published by the University or the Board of Trustees or designees.

Registered Student Organization – an identifiable group of students who have complied with requirements for registration as set forth by the Undergraduate Student Government and the Office of Student Engagement. Included are groups that seek, but have not been granted, recognized status.

Sanction – A formal notice, limitation, withdrawal of privilege, or requirement imposed upon a student as a result of adjudication.

Student – Any person who, at the time of an alleged violation of this Code, meets one or more of the following requirements:

1. A person taking one or more courses, enrolled either full or part-time, and/or pursuing undergraduate, graduate or professional studies.
2. A person notified of acceptance for admission to the University.
3. A person living in property owned, operated or managed by the University, unless the sole purpose for residing in that property is in fulfillment of a requirement of employment.
4. A person who, prior to completing adjudication of alleged violations, graduates, withdraws or is otherwise separated from the University.
5. A person who, though not currently enrolled, is eligible to enroll in one or more courses without admission.

University – Southern Illinois University Carbondale. In the conduct process, “University” generally refers to the Vice Chancellor for Student Affairs, or designee.

University Community – Members of the University community include members of the Board of Trustees, employees, students, University officials and volunteers affiliated with Southern Illinois University.

University Official – Any individual authorized or directed by the Board of Trustees or Chancellor to perform any delegated function.

University Premises – Any land, building, facility or other real property owned, leased, operated or otherwise controlled by the University, including sidewalks, streets and adjoining public spaces.

Victim – Any person alleged to have been the victim of one or more alleged violations of the Sexual Misconduct policy or any other act of sexual misconduct, as defined by this Code, which is alleged to create a hostile environment. Any person to whom the University has a legal obligation to disclose the outcome of an adjudication or any person who must be informed of the outcome of adjudication in order for sanctions to be effectively implemented.

Violation – A breach of one or more provisions of this Code as determined through the provisions of adjudication in this Code.



Policy on Sexual Harassment

Source: policies.siu.edu/personnel-policies/chapter4/ch4-all/sexual.php

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618-453-2341

baughman@siu.edu (<mailto:baughman@siu.edu>)

SEXUAL HARASSMENT

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> Sexual Harassment



[The following policy was approved by the SIU Board of Trustees on May 7, 2009.]

Sexual Harassment Policy Statement

Southern Illinois University is committed to a policy of providing equal employment and educational opportunities. In particular, Southern Illinois University is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of discrimination, including sexual harassment. Sexual harassment violates the dignity of the individual and the integrity of the University as an institution of higher learning, and thus, sexual harassment in any form will not be tolerated at Southern Illinois University. This policy applies to all employees, students, contractors, and visitors of Southern Illinois University.

This policy prohibits sexual harassment, retaliation related to sexual harassment claims, knowingly reporting false sexual harassment complaints and knowingly providing false information during the investigation of a sexual harassment complaint. All University employees are responsible for taking reasonable and necessary action to prevent sexual harassment, and all members of the University community are expected to contribute to an environment free of sexual harassment, and are encouraged to report promptly (pursuant to campus procedures) any conduct that could be in violation of this policy. Each SIU campus shall adopt specific procedures for reporting, investigating and resolving harassment claims.

This policy shall not abridge any individual's speech and due process rights under the First and Fourteenth Amendments; nor shall it abridge principles or rights of academic freedom or the University's educational mission. Prohibited sexual harassment and discrimination are not expression protected as a matter of academic freedom.

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Definition of Sexual Harassment

Sexual Harassment in employment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis (or threatened to be used as a basis) for employment decisions or assessments affecting such individual (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Such conduct has the purpose or effect of substantially interfere with an individual's work performance or creating an intimidating, hostile, or offensive working environment (this is a type of hostile environment sexual harassment).

Sexual Harassment in higher education means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition affecting the student's participation in or benefit from any of the academic educational, extra-curricular, athletic, or other programs of the University (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Such conduct has the purpose or effect of substantially interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment (this is a type of hostile environment sexual harassment).

Hostile environment sexual harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects an employee's work performance, limits a student's ability to participate in or benefit from a University program or activity, or creates an intimidating, threatening or abusive working or academic environment. Sexual harassment generally includes something beyond the mere expression or display of views, words, symbols, images, or thoughts that some persons find offensive.

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Totality of the Circumstances: In determining whether alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances will be considered. Circumstances may include the frequency of the conduct; its severity; whether it was physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interfered with the alleged victim's work performance or ability to participate in or benefit from the University's programs. The objective severity of the conduct will be judged from the perspective of a reasonable person in the position of the alleged victim and not on the intent of the person engaging in the conduct.

Examples of behavior that may be considered sexual harassment include, but are not limited to:

- Physical sexual assault or coerced sexual intercourse;
- Unwelcome physical contact, such as touching of a person's body, hair or clothing, or hugging, patting or pinching;
- Direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, performance evaluation, grades, letters of recommendation, or other work or educational benefits (*quid pro quo*)
- Severe or persistent unwelcome verbal, physical or other expressive conduct that is offensive or humiliating in a sexual way. Such conduct may include comments of a sexual nature and/or sexually explicit statements, questions, jokes, anecdotes, gestures, or facial expressions that would offend or humiliate a reasonable person in the circumstances of the individual experiencing this conduct. Conduct need not be in person but can be any form of communication including but not limited to written, telephone, or electronic communication such as electronic mail and/or comments sent via the internet.
- Exhibition or use of sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum or research or the mission of the University and substantially interfere with an employee's work

performance or a student's ability to benefit from University programs. Such materials may be in the form of music, documents, objects, photographs, film or electronically generated materials.

- Any unwanted, inappropriate behavior that is targeted to a person or person(s) because of their gender or sexual orientation, for example repeatedly telling women (or men) that they are not capable of doing a certain kind of work.
- Amorous or sexual relationships between a faculty member and a student under his or her academic supervision or between a supervisor and an employee under his or her supervision, where the direct power differential compromises the subordinate's free choice. (Even consenting relationships may lead to an actual or perceived conflict of interest or other unethical conduct. See policies on consenting relationships.)

Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual harassment. Retaliation may include, but is not limited to:

- Taking negative tangible employment actions against a person;
- Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
- Failing to provide assistance or instruction that would otherwise be provided;
- Failing to fairly and/or objectively evaluate an employee's or student's performance;
- Failing to record an appropriately earned grade for a student; or
- Otherwise sabotaging an employee's or student's performance or evaluation.

It is a violation of this policy to engage in any retaliatory acts against an employee or student who reports an alleged incident of sexual harassment, or any employee or student who testifies, assists, or participates in a proceeding, investigation, or hearing relating to an allegation or complaint of sexual harassment.

Duty to File in Good Faith/False Reports

Any person who reports alleged sexual harassment or provides information during the investigation of a complaint is presumed to have participated in the investigatory process in good faith. It is a violation of this policy for persons to knowingly make a false sexual harassment complaint or knowingly provide false information during the investigation of a complaint.

Implementing Procedures

This Sexual Harassment Policy is to be implemented throughout the University, and procedures consistent with this policy for such implementation are to be established on each campus. The President is authorized to delegate to each Chancellor, the authority to develop procedures for the implementation of this Sexual Harassment Policy.

***Please see [Discrimination \(including sexual harassment\) Complaint and Investigation Procedures \(discrimination-sexualharassmentprocedures.php\)](#) for additional information**

Attribution

Sexual harassment policies are governed by state and federal laws and statutes. As such, policies at many institutions can look very similar to that proposed by SIUC. This policy was developed in accordance with the Illinois Human Rights Act (775 ILCS 5/2 and 775 ILCS 5/5 and 775 ILCS 5/5a), the Equal Employment Opportunity Commission Regulations (29 C.F.R. § 1604.11); and guidance issued by the United States Department of Education Office of Civil Rights.

Additionally, policies from several other universities were reviewed including: University of Massachusetts Amherst, University of Michigan, University of North Carolina at Chapel Hill, Michigan State University, University of North Carolina At Greensboro, University of Maine, Indiana University, Indiana University - Purdue University at Indianapolis, Purdue University, University of Southern Indiana - Evansville, New York University, University of Illinois, University of Massachusetts - Boston, City University of New York, Northwestern University, Illinois State University, University of Colorado System, Youngstown State University, Princeton University, Michigan State University, and University of Florida - Gainesville.

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Policy on Sexual Assault, Dating Violence, Domestic Violence and Stalking

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618-453-2341

baughman@siu.edu (<mailto:baughman@siu.edu>)

SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

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SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

POLICY STATEMENT

SIU is committed to fostering an environment in which all members of our campus community are safe, secure, and free from gender-based violence of any form, including but not limited to sexual assault, dating violence, domestic violence, and stalking. The University expects that all interpersonal relationships and interactions—especially those of an intimate nature—be grounded upon mutual respect, open communication, and clear consent.

SIU has adopted the following standards of conduct for all members of our community—students, faculty, administrators, staff, vendors, contractors, and third parties—with respect to sexual assault, dating violence, domestic violence, and stalking. These standards apply to all regardless of gender, sexual orientation, or gender identity of any of the individuals involved. By providing resources for prevention, education, support, investigation, and a fair disciplinary process, SIU seeks to eliminate gender-based violence.

DEFINITIONS

Consent: Consent is a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Lack of verbal or physical resistance does not constitute consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, and consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one's responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. A person's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the following factors: the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.

Domestic Violence: Domestic violence is any act of violence committed a) by a current or former spouse or intimate partner of the victim; b) by a person with whom the victim shares a child in common; c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d) by any person who is or has been engaged in a dating relationship with the victim or does or has shared a residence with the victim; or e) by any other person against an adult or youth victim who is protected from that person's acts under Illinois law. Domestic violence includes violence occurring between roommates regardless of gender or nature of the relationship.

Retaliation: Any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual assault, dating violence, domestic violence, or stalking.

Sexual Assault: Sexual assault is any sexual act directed against another person forcibly and/or against a person's will or where the person in question does not or is unable to give consent for any reason.

Sexual Harassment: Sexual harassment is defined in Board of Trustees Policy 7.D.2 (<http://siusystem.edu/board-of-trustees/legislation/board-legislation-policies.shtml#7d>).

All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment. For more information about sexual harassment, please see the Sexual Harassment Policy.

Stalking: Stalking is engaging in a course of conduct, involving two or more independent actions, which threatens or endangers the health, safety, emotional welfare, or access to academic resources or employment of another person or which would cause a reasonable person to be fearful for his or her safety, health or emotional well-being and which does cause another person to be fearful for his or her health, safety or emotional well-being.

PROHIBITED CONDUCT

SIU does not tolerate, and therefore prohibits, sexual assault, dating violence, domestic violence, and stalking. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff, and other community members. Any attempt to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is also considered a violation of this policy. Any person within the scope of this policy who engages in conduct prohibited by this policy is subject to discipline as outlined below.

RETALIATION

SIU prohibits any form of retaliation against those individuals who, in good faith, report or disclose an alleged violation of this policy, file a complaint, or otherwise participate in the complaint resolution process. Any person within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy and is subject to discipline as outlined below.

REPORTING

SIU strongly encourages all individuals to report incidents of sexual assault, dating violence, domestic violence, and stalking to University officials regardless of where the incident occurred. All University employees are obligated to report gender-based violence of which they become aware to the Title IX Coordinator, unless they have a legally recognized confidentiality privilege such as those privileges granted to physicians, counselors, and the Confidential Advisor. Upon receiving a report of an alleged violation of this policy, the University is required to provide victims of sexual assault, dating violence, domestic violence, and stalking with notification of their rights and options written in easily understandable language.

How to File a Report

A complaint of sexual assault, dating violence, domestic violence or stalking (including reports made by third parties) can be filed utilizing any of the following options:

- Contact the Title IX Coordinator
Kay Doan
Office of Diversity and Equity
Davies Hall, Room 150
453-4807
kwdoan@siu.edu (*mailto:kwdoan@siu.edu*)
- Contact the SIU Department of Public Safety
Trueblood Hall
1175 South Washington Street
453-3771 (non-emergency)
911 (emergency)
- Contact Student Rights and Responsibilities
Student Services Building, Room 497
536-2338
- File a report electronically at <https://www.safe.siu.edu> (*https://www.safe.siu.edu*) (*https://safe.siu.edu*) When filing electronically, the reporter/victim has the option of filing anonymously, meaning the incident will be documented but the names of those involved will not be known. Filing anonymously, however, impedes the University's ability to respond by offering services for the survivor or taking appropriate disciplinary action against the accused.

SIU recognizes confidentiality may be particularly important to victims of sexual assault, dating violence, domestic violence, and stalking. If a victim chooses to make a disclosure to University personnel listed above, the victim should have informed expectations concerning privacy and confidentiality. The University cannot guarantee confidentiality and must evaluate any request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment. When a victim makes a disclosure to any University personnel, the University will treat the information with the utmost sensitivity and only report that information to the appropriate personnel where necessary to provide accommodations and protective measures and ensure the safety and security of the campus community.

Reporting incidents of sexual assault, dating violence, domestic violence, and stalking is necessary to ensure victims of such conduct receive appropriate services and information, to track incidents or identify patterns, to protect the SIU community from future incidents, and to fulfill the University's reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

How to Ensure Confidentiality

The following resources have a legally recognized confidentiality privilege and will not disclose any personally identifiable information provided by the victim unless the victim gives permission to do so.

- Contact the Confidential Advisor
Rebecca Gonnering
Wellness and Health Promotion Services
SIU Health Center
453-4429
rebecca.gonnering@siu.edu

<mailto:rebecca.gonnering@siu.edu>, <mailto:rebecca.gonnering@siu.edu>. The Confidential Advisor can assist in evaluating options and assessing where to file a report, if at all. The Confidential Advisor can also assist with accommodations such as changing academic, living, transportation, and working situations as more fully explained below.

- Contact Student Health Services
Medical Clinic
SIU Student Health Center
453-3311

The Medical Clinic provides comprehensive medical care to currently enrolled or eligible students, including physical examination, sexually transmitted disease screening and treatment, pregnancy testing and contraception.

SIU Counseling and Psychological Services
SIU Student Health Center
453-5371

Counseling and Psychological Services (CAPS) provides counseling services to currently enrolled or eligible students, including support and encouragement for survivors coping with the emotional aspects of surviving sexual and domestic violence.

Community Resources

- Memorial Hospital of Carbondale
405 W. Jackson Street
Carbondale, Illinois
549-0721

Memorial Hospital of Carbondale is the medical facility nearest to campus where a victim may obtain a medical forensic examination completed at no cost to the victim, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

- The Women's Center
618 S. Thompson Street
Carbondale, Illinois
529-2324/1-800-334-2094

The Women's Center is a community-based sexual violence crisis center and domestic violence shelter. The Women's Center provides shelter, medical and legal advocacy, counseling and support to victims of domestic violence and sexual assault. All services are free and confidential.

- Carbondale Police Department
501 S. Washington Street
Carbondale, Illinois
457-3200 (non-emergency)

911 (emergency)

The Carbondale Police Department investigates sexual violence and domestic violence which occur outside of campus but within the city limits of Carbondale. Reports made to the Carbondale Police Department will be provided to the University Title IX Coordinator.

Other Resources

- National Sexual Assault Hotline
1-800-656-4673 (HOPE)

INVESTIGATIONS

After an incident of sexual assault, dating violence, domestic violence, and/or stalking the victim should consider seeking medical attention and/or law enforcement assistance as soon as possible. Collection of evidence related to the crime, including a sexual assault medical examination, is critical for any investigation. 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. University officials will assist a survivor with notifying law enforcement if requested.

Regardless of whether the survivor chooses to report an incident to law enforcement, the University will investigate those incidents which are reported to it, unless the survivor chooses not to go forward with an investigation and the Title IX Coordinator determines there is no ongoing threat to the campus community. Investigations will be conducted according to the [Discrimination \(Including Sexual Harassment\) Complaint and Investigation Procedures](#) ([../personnel-policies/chapter4/ch4-all/discrimination-sexualharassmentprocedures.php](#)), and, in the case of an accused student, the [Student Conduct Code](#) ([../common/documents/student-conduct-code.pdf](#)).

Summary of Complaint Resolution Procedures

If a report is made to the University (other than the confidential options listed above), the Office of Diversity and Equity (ODE) will be notified. An investigator from ODE will contact the survivor for an interview to discuss the incident as well as refer the victim to available resources. If the survivor decides to proceed with an administrative investigation, or if the University determines it must investigate because there is a potential ongoing threat to the campus community, the investigator will document the complaint in writing and notify the respondent (accused) of the investigation. ODE will also contact local police agencies if a police report has been made. The respondent will have the opportunity to read the complaint and respond. Both parties will be asked to submit names of potential witnesses and any relevant written evidence. ODE may also identify witnesses and other evidence independently. Witnesses will be interviewed and any available written evidence will be reviewed. The investigator will write a report of the investigation and submit it to the Title IX Coordinator, who will make a decision as to whether University policy has been violated. Both parties will have the opportunity to appeal the decision. If a determination is made that a violation has occurred in the case of a student respondent, the decision will be sent to Student Rights and Responsibilities for a hearing and sanctioning, if appropriate. If a determination is made that a violation has occurred in the case of a faculty or staff member, the decision will be sent to the Vice Chancellor over the department responsible for discipline of that respondent.

AMNESTY

For a student who reports, in good faith, an alleged violation of this policy to a University employee, the University is required to include an amnesty provision in this policy and will not sanction the reporting student for a student conduct violation that is revealed in the course of the investigation unless the University determines the violation was egregious such as an act that places the health or safety of another person at risk. Whether to make a charge for a violation of the Student Conduct Code is within the discretion of Student Rights and Responsibilities.

SANCTIONS

In appropriate cases, complaints will lead to the initiation of disciplinary procedures as referenced above. For students, sexual assault, dating violence, domestic violence, and stalking are violations of the Student Conduct Code, subjecting the respondent to disciplinary sanctions outlined in the Code, up to and including expulsion from the University. Employees who violate this policy will be subject to discipline according to the applicable collective bargaining agreement and/or the applicable University policies and procedures, up to and including termination of employment.

ASSISTANCE FOR VICTIMS

The University will provide interim protective measures and accommodations when a student or employee reports to the institution that they have been a victim of sexual assault, dating violence, domestic violence, or stalking. The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the University and in the community. The University will also provide assistance in changing academic, living, dining, transportation, and working situations and obtaining University no contact orders. The University will honor orders of protection issued by the state court. The University will make such accommodations if the victim requests them and if they are reasonably available.

EDUCATION AND PREVENTION

The University will conduct sexual violence primary prevention and awareness programs for all students and new employees and ongoing awareness campaigns related to prevention of sexual assault, dating violence, domestic violence, and stalking for all students and employees. These programs shall include a statement that the University prohibits sexual assault, dating violence, domestic violence and stalking; the definition of these offenses as well as the definition of consent; safe and positive options for bystander intervention an individual may take to prevent harm or intervene; and recognition of signs of abusive behavior and how to avoid potential attacks.

Webmaster: baughman@siu.edu (*mailto:baughman@siu.edu*)

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Policy on Discrimination (including sexual harassment) Complaint and Investigation Procedure

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DISCRIMINATION (INCLUDING SEXUAL HARASSMENT) COMPLAINT AND INVESTIGATION PROCEDURES

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> Discrimination (including sexual harassment) Complaint and Investigation Procedures



Discrimination (including sexual harassment) Complaint and Investigation Procedures

Policy on Non-Discrimination and Non-Harassment

It is the policy of Southern Illinois University that all students, faculty, staff, and guests should be able to enjoy and work in an educational environment free from discrimination, and harassment. Discrimination against any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status is specifically prohibited in the Southern Illinois University community. This policy on non-discrimination and non-harassment reaffirms Southern Illinois University's commitment to maintain an environment in which ideas are pursued free of intimidation or fear, and the Policy applies to admissions, employment, access to and treatment in all University programs and activities.

Discriminatory harassment includes, but is not limited to, conduct (oral, written, graphics or physical) directed against any person or group of persons because of race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status that has the purpose of or reasonably foreseeable effect of creating an offensive, demeaning, intimidating or hostile environment for that person or group of persons. Such conduct includes but is not limited to objectionable epithets demeaning depictions or treatment and threatened or actual abuse or harm.

Harassment of any kind is strictly prohibited and may also be a violation of federal and or state laws. Each Chancellor is authorized to develop or use existing procedures for his or her respective campuses to address discrimination and harassment.

(3/13/03, 5/7/09, 04/14/11)

I. DELEGATION AND ROLES

The President has delegated to the Chancellors of SIUC and SIUE the authority and responsibilities to establish campus procedures for the implementation of the *Non-Discrimination and Non-Harassment Policy (SIU Board of Trustees 7 Policies E)* and *Sexual Harassment Policy (SIU Board of Trustees 7 Policies D)* (hereinafter "Policies").

The following procedures shall be used at Southern Illinois University Carbondale to implement and enforce the University's Policies prohibiting discrimination, including sexual harassment, and related retaliation, and to ensure that the University's employees, students, and agents comply with the Policies prohibiting all types of discrimination, including sexual harassment.

A. Role of the Director of the Office of Equity and Compliance

The Chancellor delegates the responsibility for the administration of these Policies and Procedures to the Director of the Office of Equity and Compliance (hereinafter "Director") or appropriate designee. In instances where one of the involved parties reports directly to the Chancellor, the Chancellor shall appoint an outside individual to act in place of the Director. The Director shall be responsible for the investigation of all complaints alleging a violation of one of the Policies, dissemination of the Policies and these Procedures to the University community, coordination of associated education and training programs, maintenance of centralized records of complaints, and coordination of the resolution of such complaints.

B. Role of Investigators

The Director shall designate individuals to serve as investigators for complaints alleging a violation of one of the Policies. The individuals appointed as investigators shall be trained on the Policies and these Procedures. The investigators shall be appropriately qualified and knowledgeable with respect to discrimination, including sexual harassment, and retaliation laws and guidelines, and the conduct of thorough and appropriate investigations related to these types of claims.

The investigator(s) shall conduct investigations pursuant to Section III(C) of this Procedure, and under the direction of the Director, shall be solely responsible for the investigation of complaints.

II. DEFINITIONS

For purposes of these Procedures, the following terms shall have the ascribed meanings:

Appellant – the individual appealing the disposition of a complaint (either the complainant or respondent).

Complainant – the individual who is the subject of alleged discriminatory, harassing, or related retaliatory action.

Discrimination - Discrimination shall have the meaning ascribed to it in the Non-Discrimination and Non-Harassment Policy, *SIU Board of Trustees 7 Policies E*.

Harassment – means sexual or discriminatory harassment as defined in the Policies.

Respondent – the individual whose conduct is alleged to be a discriminatory, harassing, or related retaliatory action.

Retaliation – Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of a violation of one of the Policies. Retaliation may include, but is not limited to:

1. Taking negative tangible employment actions against a person;
2. Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
3. Failing to provide assistance or instruction that would otherwise be provided;
4. Failing to fairly and/or objectively evaluate an employee's or student's performance;
5. Failing to record an appropriately earned grade for a student; or
6. Otherwise sabotaging an employee's or student's performance or evaluation.

Sexual Harassment - Sexual Harassment shall have the meaning ascribed to it in the Sexual Harassment Policy, *SIU Board of Trustees 7 Policies D*. Sexual violence such as criminal sexual assault^[1], criminal sexual abuse^[2], and/or sexual coercion are forms of sexual harassment.

Third Party Reporter – An individual who reports alleged discrimination, harassment, or related retaliation, but is not the subject of such discriminatory, harassing, or related retaliatory action.

Witness – An individual who provides information to the University regarding alleged discriminatory, harassing, or related retaliatory action.

III. INVESTIGATION PROCEDURES:

A. Reporting Violations of the Policies

Anyone who believes that he or she has been the victim of or witness to discrimination, including sexual harassment or been retaliated against for reporting or acting as a witness to a discrimination complaint or of any other violation of the Policies should promptly report this belief and the basis thereof. These reports may be made to the Director or any employee of the University including but not limited to his or her supervisor, the supervisor of the individual alleged to have violated the Policies. In order to facilitate the efficient and effective investigation of complaints, the Complainant or Third Party Reporter should include as much relevant information as possible, such as the name of the Complainant, the name of the Respondent, and a factual description of the incident(s) (including dates, times, places, and the names of any witnesses). Complaints should be made as soon as possible, but shall be made no later than one hundred twenty (120) calendar days following the last alleged incident. The Director may waive the deadline for up to one year if in his or her sole discretion the facts and circumstances warrant such waiver.

All complaints not initially filed with the Office of the Equity and Compliance shall be forwarded by the recipient of the complaint to the Office of Equity and Compliance immediately upon receipt. If the complaint is initially made verbally, the recipient of the complaint shall provide a written report to the Office of Equity and Compliance containing as much information and detail as possible. If possible, reports should be made via the SIU Campus Incident or Crime Report form found here:

<https://safe.siu.edu/file-a-report/crime-reporting-form.php> (<https://safe.siu.edu/file-a-report/crime-reporting-form.php>).

Written complaints are not required to make a complaint. However, individuals are encouraged to make formal complaints utilizing documents and resources provided by the Office of Equity and Compliance. All complaints, no matter the format received, will be accepted and processed consistent with the University's obligation to investigate complaints, and to the extent permitted by law, these records will be kept confidential.

Consistent with the University's Policies, and its applicability to outside contractors, vendors, program participants, and other visitors to University property and buildings, complaints made against such individuals should be reported in the same manner as described above, and will be investigated pursuant to the process detailed below, to the extent possible, depending on the particular circumstance.

If complaints appear to include allegations of criminal misconduct, including but not limited to an alleged hate crime or physical sexual assault, the Office of Equity and Compliance shall also advise or assist the Complainant in making a report to the SIUC Police Department for its investigation.

B. Initial Review of Complaint

Within ten (10) business days of receiving a complaint, the Director (or designee) shall review the complaint to determine whether or not it provides sufficient information to warrant a formal investigation, and shall provide notification of this determination to the Complainant. The Director (or designee) may, as part of the review, gather additional information and/or talk to witnesses if necessary to make the determination. The Director (or designee) may extend this time limit for a reasonable period to pursue an informal resolution as described in subsection C of this Section.

C. Informal Resolution

Upon receipt of a complaint, the Director (or designee) shall consider whether the matter may be resolved by utilizing an informal resolution process in lieu of a formal investigation. The informal resolution process may be used only if both parties consent to this process and the Director (or designee) determines that it is appropriate. This process shall permit the Complainant and the Respondent to reach a mutually agreeable resolution prior to a formal investigatory finding.

In determining whether an informal resolution process is appropriate for a particular complaint, the Director (or designee) shall consider the following factors:

- i. the severity of the allegation(s);
- ii. whether any prior complaints have been filed against the Respondent;
- iii. the number of alleged Complainants;
- iv. whether the alleged harm is easily reparable; and
- v. any other relevant factors consistent with the SIU Policies.

Matters under criminal investigation and cases involving sexual violence are not eligible for the informal resolution process.

If both parties agree to attempt to utilize the informal resolution process, and if the Director (or designee) determines that this process is appropriate for the complaint, either the Director or other appropriate individual shall meet with the parties and determine whether an appropriate resolution can be reached. Any such resolution can include, if applicable, an appropriate remedy, a plan for ensuring compliance with its terms, and a requirement of confidentiality by the parties involved.

If a resolution is reached that both parties agree is appropriate, the resolution shall be reduced to writing and signed by both parties. A record of the resolution shall be kept by the Office of the Director. If the parties are unable to reach a resolution of the complaint, then the formal investigation process shall be used to determine the appropriate resolution of the complaint.

D. Formal Investigation Process

If the Director (or designee) determines that the complaint warrants an investigation, the Director shall notify the Complainant and the Respondent of the name of the investigator(s) assigned to the complaint. Further, the Director may recommend to the Chancellor that the Respondent be placed on temporary administrative leave, and/or otherwise temporarily restrict access to campus pending the investigation if, in the Director's judgment, it is necessary to ensure compliance with applicable laws and/or these Policies. The Chancellor may place the Respondent on administrative leave for no more than thirty (30) business days, with the ability to extend such time for good cause, if necessary, unless otherwise prohibited by a collective bargaining agreement.

The investigator(s) shall begin the investigation as soon as practicable, and shall complete the investigation within thirty (30) business days of receiving the complaint from the Director. The Director may extend this period for good cause based upon the particular circumstances of the investigation.

Upon completion of the investigation, the investigator(s) shall prepare a confidential report of the findings to the Director (or designee). The report shall include a statement as to whether the investigator(s) believe that a violation of the University's *Non-Discrimination and Non-Harassment*

Policy or Sexual Harassment Policy occurred, a summary record of the information gathered, and any mitigating or aggravating factors to be considered. This report shall be completed as soon as practicable following the completion of the investigation but in no event later than five (5) business days after the conclusion of the investigation. The Director (or designee) may extend this period for an additional five (5) business days upon request of the investigator(s) and for good cause. Prior to submitting the report to the Director, the Complainant and Respondent shall be provided the opportunity to review the investigative report and provide a written response.

E. Findings

Upon receipt of the report by the assigned investigator(s), the Director (or designee) shall review the report and make a determination as to whether there is sufficient or insufficient evidence to support a finding of a violation based on a preponderance of the evidence standard. The Director (or designee) shall notify the Respondent and Complainant of his/her finding(s). The notice shall specify that retaliation against the Complainant, the Third Party Reporter (if applicable), or any witnesses are strictly prohibited, and that any such retaliation may result in disciplinary action.

If the Director (or designee), determines that the evidence is sufficient to support a finding that the *Non-Discrimination and Non-Harassment Policy* or *Sexual Harassment Policy* was violated, the Director (or designee) shall submit to the Chancellor a written summary of the investigative process and the finding(s) and a recommendation for disciplinary proceedings, if applicable.

IV. PROCESS FOR APPEALS OF INVESTIGATORY FINDINGS

The Complainant or the Respondent may initiate an appeal of the decision of the Director (or designee) to the Chancellor, within five (5) working days of receipt of the notification of findings by providing a written notice of appeal to the Chancellor. The appellant shall receive a summary of the findings of the Director (or designee). The summary shall be sufficiently detailed so that the appellant can ascertain the reasons and underlying facts that formed the basis of the decision. The appellant shall file any rebuttal of the finding(s) within fifteen (15) days of receipt of this information. Within fifteen (15) working days of receipt of the appeal, the Chancellor shall review the record and either uphold, modify, or reverse the decision being appealed. The decision of the Chancellor is final, and there will be no additional University appeals of the decision. Nothing herein prevents the complainant or respondent from pursuing an appeal of an investigatory finding to an external agency or through the grievance procedure of an applicable collective bargaining agreement.

V. DISCIPLINE FOR VIOLATIONS OF POLICIES

Upon issuance of a recommendation by the Director, and upon expiration of the appeal period, disciplinary proceedings shall be conducted for violations of the University's Policies on Non-Discrimination or Sexual Harassment, including but not limited to findings that an individual filed a false report of sexual harassment in violation of Board Policies Section 7.D.3.

Disciplinary procedures shall be implemented according to the applicable collective bargaining agreement, and/or the applicable University policies and procedures. The appropriate Vice Chancellor, or his/her designee, shall be responsible for the disciplinary process and determination for all administrative/professional employees and faculty. The disciplinary process for Civil Service Employees shall be in accordance with the State University Civil Service Act, 110 ILCS 70/et seq., and any applicable collective bargaining agreement. The Student Conduct Code shall govern the disciplinary process for students.

The additional guidelines provided in this paragraph may be applied to the extent that they do not conflict with the applicable collective bargaining agreement or University disciplinary policies and procedures. Remedies such as letters of apology, mandatory sexual harassment training, counseling or monitoring, in addition to other types of disciplinary sanctions, up to and including termination or expulsion, may be imposed on those individuals who have been found to have violated one of the Policies. The Director may be consulted prior to a final determination and implementation of any disciplinary action for a violation of the Policies. If the recommended sanction is discharge, the Respondent may be suspended with or without pay while applicable appeal procedures are conducted.

Disciplinary or punitive action may also be taken against contractors, their sub-contractors doing business on University property or in University facilities, program participants, and visitors to the University. The action taken shall be dependent on the nature and severity of the offense, and the relationship of the Respondent to the University, and may include loss of access to University-related facilities, property, or equipment, or other appropriate sanctions.

VI. RIGHTS OF PARTIES

A. Rights of the Complainant

A Complainant shall have the following rights:

1. To present relevant information to the investigators;
2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be informed of the process of the investigation and the conclusion(s) reached as a result of the complaint;
4. To be free from retaliation for filing a complaint; and
5. To appeal any adverse determination pursuant to the relevant policies or collective bargaining agreement.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Complainant will be maintained to the extent possible.

B. Rights of the Respondent

Respondents shall have the following rights:

1. To present relevant information to the investigators;
2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be informed of the allegations against him or her in a manner that will provide the Respondent an opportunity to respond;
4. To be informed of the process of the investigation and the conclusions reached; and
5. To appeal any adverse determination or discipline pursuant to the relevant policies or collective bargaining agreement.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Respondent will be maintained to the extent possible.

C. Rights of Witnesses and Third Party Reporters

Witnesses and Third Party Reporters shall have the following rights:

1. To present relevant information to investigators;
2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be free from retaliation for providing information in the processing of a complaint.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of Witnesses and Third Party Reporters will be maintained to the extent possible.

D. Disclosure of Documents

The Director (or designee) shall take reasonable steps to inform the Respondent of the nature of the charges against him or her, the basis of the allegations, and provide all of the parties with the opportunity to respond.

To the extent required in litigation or formal disciplinary procedures, the University shall provide any and all documents regarding the investigation, policies and procedures, or other documents germane to the action.

The Director may provide, prior to formal litigation or formal disciplinary procedures, and subject to protecting the identity of the Complainant or potential witnesses, redacted reports, documents, and other materials germane to the investigation. The Director's decision regarding disclosure shall be final and non-appealable.

Any documents disclosed either to the Respondent, the Complainant, or to those representing either party, shall be used for the sole purpose of investigating or defending against the allegations of the complaint, and shall not be disclosed to any third parties, unless required by law. Information contained in any such documents shall remain confidential for all parties, to the extent allowable under applicable laws, and subject to the University's duty to investigate claims of discrimination, including sexual harassment. Under no circumstances shall any such documents or information contained therein be used to retaliate against the Complainant, the Respondent, the Third Party Reporter, or any Witnesses.

VII. EXCLUSIVE REMEDY

The procedures as provided herein shall be the exclusive remedy at the University level available to any person complaining of a violation of the Policies. The right of a person to prompt resolution of a complaint filed under this procedure shall not be impaired by the person's pursuit of remedies outside the University. Use of this procedure is not a prerequisite to the pursuit of other remedies. Individuals should be aware that the deadlines for filing a charge with the Illinois Department of Human Rights and with the federal Equal Employment Opportunity Commission are no later than 180 and 300 days, respectively, following the alleged act of discrimination, including sexual harassment.

VIII. SUBSTANTIAL COMPLIANCE

Substantial compliance with all of the procedures set forth in these procedures shall be deemed full compliance if the party challenging the procedures has suffered no substantial harm caused by the actual procedure used.

IX. REPORTING REQUIREMENTS OF THE OFFICE OF EQUITY AND COMPLIANCE

1. The Director shall report at the end of each semester to the Chancellor the number of cases in which a finding of racial, ethnic, or religious intimidation or sexual harassment has been made. In addition, the Office of Equity and Compliance shall report annually to the Illinois Department of Human Rights and the Illinois Attorney General with all information required by law.
2. The Director shall provide an annual report to the Chancellor that includes the number of complaints filed by category of claimed discrimination, the number of founded and unfounded complaints, and a report of the campus training provided during the prior year. The Affirmative Action Advisory Committee may submit recommendations to the Director to promote the purposes of the Policies and these Procedures.

X. EDUCATION OF CAMPUS COMMUNITY

A. Goals

Educational efforts are essential to establishing a campus environment free from discrimination and sexual harassment. The Office of Equity and Compliance, in conjunction with the Office of General Counsel, shall develop educational and training programs to ensure compliance with University Policy, campus Procedures, and applicable laws. The Office of Equity and Compliance shall work to achieve the following goals through education:

1. Educating University personnel and students about prohibited conduct and acts that constitute discrimination and sexual harassment;

2. Educating administrators about the proper way to address complaints of violations of the Policies or instances of discrimination, including sexual harassment, that come to their attention through other channels;
3. Educating the campus community on their rights and obligations under the Policies;
4. Educating students, faculty, and staff about the potential legal, financial, and overall adverse impact on the University, for failure to abide by the Policies.
5. Training the Affirmative Action Committee annually regarding the Policies, including but not limited to the rights and obligations under the Policies, these Procedures, and the potential legal, financial, and overall adverse impact on the University for failure to abide by the Policies.
6. Compliance with the requirements of all laws, including but not limited to the State Officials and Employee Ethics Act (5 ILCS 430/et seq.).

B. Professional Development and Training

1. The Office of Equity and Compliance shall coordinate, in conjunction with the appropriate departments and offices, a series of training sessions for persons who are likely to receive complaints that these Policies have been violated. The intended audience for training will include, but will not be limited to, such persons as residence hall advisors, academic advisors, supervisors, faculty, graduate assistants, and other instructional personnel. Further, the Office of Equity and Compliance shall provide annual training to students and staff to comply in compliance with the relevant legal requirements and campus needs.
2. In an effort to help the campus community recognize what constitutes discrimination and sexual harassment and how to prevent it, a campus-wide educational program will be offered to students, faculty, and staff, and feedback shall be encouraged.

C. Information

The Director is responsible for distributing copies of the Policies and these Procedures to members of the University community. The Policies and Procedures and *Complaint Intake Sheet* shall be available on the internet and other locations as determined by the Director.

A. Procurement and External Relations

To the extent practicable, the University shall take reasonable steps to ensure that agreements entered into by the University with State and outside contractors performing work on University property will incorporate the University's policy prohibiting discrimination and sexual harassment. Academic units that initiate internship or co-operative programs for students with various employers will also be responsible for providing those employers with a copy of the University's Discrimination and Sexual Harassment Policies.

XI. EVALUATION

The Chancellor is responsible for the ongoing evaluation of the effectiveness of the Discrimination and Sexual Harassment Policies and Procedures, and shall report the findings on a regular basis to the President.

XII. EXTERNAL AGENCY COMPLAINT INFORMATION

The Illinois Human Rights Act prohibits discrimination, including sexual harassment, and retaliation, and establishes the Department of Human Rights and the Human Rights Commission to handle charges of discrimination, including sexual harassment. The Federal Government's Civil Rights Act prohibits discrimination, including sexual harassment, and retaliation by an employer, and assigns the complaint process to the Equal Employment Opportunity Commission (EEOC).

The United States Department of Education Office for Civil Rights enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the

Department of Education, including Title IX of the Education Amendments of 1972, which prohibits discrimination, including sexual harassment, and retaliation.

For sexual harassment, an individual may make a confidential report to the SIU Ethics Officer (ethics.siu.edu/contacts.html (<https://ethics.siu.edu/contacts.html>)) or the Office of the Executive Inspector General for the Agencies of the Illinois Governor.

In addition to the retaliation protections in this Procedure and the Sexual Harassment Policy, individuals who believe that they have been subjected to retaliation for reporting sexual harassment allegations may seek whistleblower protections under the Illinois State Officials and Employees Ethics Act (5 ILCS 430/et seq.), the Illinois Human Rights Act, (775 ILCS 5/et seq.), or the Whistleblower Act (740 ILCS 174/et seq.).

While the University encourages use of its internal policy and procedures, the University's policy does not preclude a person who feels she/he has been the victim of discrimination, including sexual harassment, from seeking redress through these external agencies. Filing with the external agencies can be done in lieu of or simultaneously with the University's complaint process. Filing a complaint with the University does not result in the waiver or extension of any time limits required by an external agency.

The Illinois Department of Human Rights can be contacted at:

Website: www.state.il.us/dhr (<http://www.state.il.us/dhr>).

In Chicago:

James R. Thompson Center
100 West Randolph Street, 10th Floor
Intake Unit
Chicago, IL 60601
Telephone: (312) 814-6200
TTY: (866) 740-3953
Facsimile: (312) 814-6251

In Springfield:

222 South College St., Room 101
Intake Unit
Springfield, IL 62704
Telephone: (217) 785-5100
TTY: (866) 740-3953
Facsimile: (217) 785-5106

In Marion:

2309 W. Main St., Suite 112
Intake Unit
Marion, IL 62959
Telephone: (618) 993-7463
TTY: (866) 740-3953
Facsimile: (618) 993-7464

The Equal Employment Opportunity Commission (EEOC) can be contacted at:

Website: www.eeoc.gov (<https://www.eeoc.gov>).

St. Louis District Office
Robert A. Young Federal Building
1222 Spruce St., Rm 8.100
St. Louis, MO 63103
Telephone: (800) 669-4000
TTY: (800) 669-6820 TTY
Facsimile: (314) 539-7894

The United States Department of Education, Office for Civil Rights can be contacted at:

Website: <https://www2.ed.gov/about/offices/list/ocr/index.html> (<https://www2.ed.gov/about/offices/list/ocr/index.html>)

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
Telephone: (312)730-1560
TDD: (877) 521-2172
Facsimile: (312) 730-1576
Email: OCR.Chicago@ed.gov (<mailto:ocr.chicago@ed.gov>)

The Office of the Executive Inspector General for Agencies of the Illinois Governor can be contacted at:

Website: <https://www.illinois.gov/oeig/about/Pages/writeus.aspx> (<https://www.illinois.gov/oeig/about/pages/writeus.aspx>)

In Chicago

Office of Executive Inspector General for the Agencies of the Illinois Governor
69 West Washington Street
Suite 3400
Chicago, Illinois 60602
Phone: (312) 814-5600 or (888) 261-2734 (TTY)
Fax: (312) 814-5479

In Springfield

Office of Executive Inspector General for the Agencies of the Illinois Governor
Illinois Building - 607 East Adams Street
14th Floor
Springfield, Illinois 62701
Phone: (217) 558-5600
Fax: (217) 782-1605

XIII. WHERE TO OBTAIN ADDITIONAL INFORMATION REGARDING THE UNIVERSITY'S SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURES:

Office of Equity and Compliance
1075 S. Normal Ave., MC 4316
Davies Hall, Rm. 150
618/453-4807

In an emergency situation that involves possible criminal sexual misconduct, or in the event of criminal sexual assault or criminal sexual abuse, please notify the Department of Public Safety at 618-453-3771 or dial 911.

[1].(# [ftnref1](#)) See 720 ILCS 5/11-1.20 or 720 ILCS 5/11-1.30

[2].(# [ftnref2](#)) See 720 ILCS 5/11-1.50 or 720 ILCS 5/11.160

APPENDIX A

Illinois State Statutory Definitions

Section 5/2-101(E) of the Illinois Human Rights Act (775 ILCS 5/2-101.E) defines sexual harassment as follows:

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Section 5/5A-101(E) of the Illinois Human Rights Act (775 ILCS 5/5A-101.E) defines sexual harassment in higher education as follows:

"Sexual harassment in higher education" means any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student, or any conduct of a sexual nature exhibited by a higher education representative toward a student when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile, or offensive educational environment; or when the higher education representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

1. Whether the student will be admitted to an institution of higher education;
2. The educational performance required or expected of the student;
3. The attendance or assignment requirements applicable to the student;
4. To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
5. What placement or course proficiency requirements are applicable to the student;
6. The quality of instruction the student will receive;
7. What tuition or fee requirements are applicable to the student;
8. What scholarship opportunities are available to the student;
9. What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
10. Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
11. The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
12. What degree, if any, the student will receive."

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Webmaster: baughman@siu.edu (*mailto:baughman@siu.edu*)

MISSION (<https://siu.edu/about-siu/mission.php>) CAREERS (<https://siu.edu/jobs/>) EQUAL OPPORTUNITY EMPLOYER (<https://siu.edu/eoe/>)

TITLE IX (<https://equity.siu.edu/title9.php>) EMERGENCY PROCEDURES (<https://siu.edu/emergency/>)

WEB PRIVACY POLICY (<https://policies.siu.edu/policies/webprivacy.php>) IBHE (<https://www.ibhe.org/>)

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IT'S YOUR

The SAKI toolkit contains resources on all aspects of sexual assaults from Evidence Tracking to Forensics, Victim Engagement, Investigation and Prosecution.

CHECK IT OUT

