



SOUTH
SUBURBAN
COLLEGE

**PREVENTING SEXUAL
VIOLENCE IN HIGHER
EDUCATION
(P.A. 99-426)**

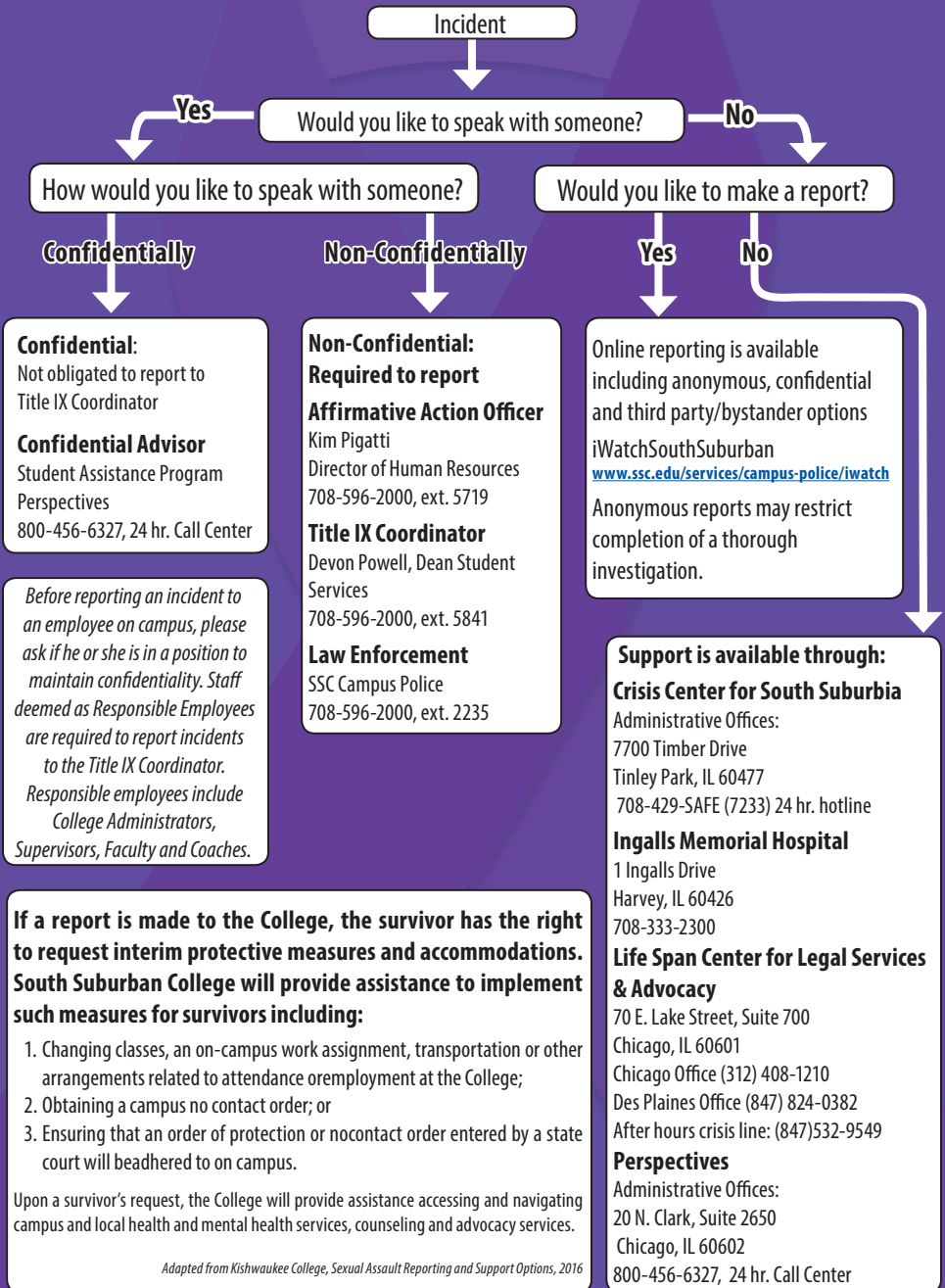
***SOUTH SUBURBAN COLLEGE SUPPORTS THE
PURPLE RIBBON PROJECT***

*The use of the purple ribbon is a unifying symbol of courage,
survival, honor and dedication to ending domestic violence.*

Last Updated: February 2019

SEXUAL ASSAULT REPORTING AND SUPPORT OPTIONS

You can speak with anyone at any time. Reporting is always an option. Choosing one route does not exclude other options. You should pursue whatever routes will be the most helpful to recovery.



SURVIVORS RIGHT TO REPORT

Violation of the Student Code of Conduct relating to Gender-Based or Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking

A Survivors Right to Report

A person who believes he or she has been subjected to, witnessed, or has knowledge of gender-based or sexual misconduct may file a complaint alleging violation(s) of the Student Code of Conduct through the Vice President of Student Development's Office. A person who believes he or she has been subjected to, witnessed, or has knowledge of an alleged violation of the policy by such misconduct on the part of a College employee (faculty or other staff) may file a complaint through the Human Resources Office.

The complainant has the right to report or not report a violation of the Student Code of Conduct. It is recommended that a Confidential Advisor be contacted prior to making a report to inform the survivor of choices for reporting options, possible outcomes, notifying law enforcement and a review of the Student Code of Conduct.

*There is immunity for students who in good faith report on alleged violation of the comprehensive policy to a "responsible employee," providing that the reporting student will not receive a disciplinary sanction for a student conduct violation (such as underage drinking) revealed in the course of reporting, unless the violation was "egregious" (e.g., an action that places the health or safety of another person at risk).

*A person cannot consent to sexual activity if unable to understand the nature of the activity or give knowing consent. This includes circumstances where the person is incapacitated due to drugs or alcohol, asleep or unconscious, or incapacitated due to a mental disability.

You can speak with anyone at any time. Reporting is always an option. Choosing one route does not exclude other options. You should pursue whatever routes will be the most helpful to recovery.

DISCRIMINATION AND SEXUAL HARASSMENT POLICY FOR STUDENTS AND STAFF

In accordance with the statutory provisions included in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and all other applicable federal and state laws, South Suburban College shall not discriminate, nor tolerate discrimination or harassment, on the basis of a person's race, color, religion, sex, national origin, age, marital status, sexual orientation, disability or any other factor as prohibited by law, rule or regulation. South Suburban College is committed to equal rights and will take the necessary steps to ensure that staff and students may work, learn, and study in an environment free from discrimination, sexual harassment, sexual violence or other harassment based on sex. All forms of illegal harassment and discrimination infringe upon mutual respect in all relationships, have the potential to result in serious harm to staff and student success, and shall not be tolerated by any employee, faculty, staff, student or community member at South Suburban College.

College policies and procedures have been instituted to prevent sexual harassment and discrimination. These policies and procedures provide for the investigation and resolution of complaints. All individuals who suffer or witness behavior or actions that may be discriminatory or harassing shall make a report to the Title IX Coordinator or the Affirmative Action Officer. All complaints of discrimination and sexual harassment will be handled with the maximum confidentiality possible. Findings of sexual harassment or discrimination may result in discipline, up to and including suspension or termination, of a College employee, and discipline, up to and including suspension or dismissal, of a College student.

South Suburban College strictly prohibits retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of discrimination, sexual harassment, sexual violence or other harassment based on sex. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed in the most serious way by South Suburban College, and individuals who engage in such actions are subject to discipline, up to and including suspension, exclusion, or dismissal from the College, consistent with South Suburban College policies, procedures and employment practices. Anyone who suffers from, or is aware of, possible retaliation in response to a complaint of discrimination, sexual harassment, sexual violence or any form of harassment based on sex, should report such concerns to the Title IX Coordinator or the Affirmative Action Officer, who shall take appropriate actions to address the claims.

Complaints of discrimination, sexual harassment, sexual violence or other harassment based on sex, shall be made to:

Student Complaints:

Title IX Coordinator
Devon Powell, Dean of Student Services
South Suburban College
15800 South State Street
South Holland, IL 60473
708-596-2000, ext. 5841
dpowell@ssc.edu

Employee Complaints:

College Affirmative Action Officer
Ms. Kim Pigatti
Director, Human Resources
South Suburban College
15800 South State Street
South Holland, IL 60473
708-596-2000, ext. 5719
kpigatti@ssc.edu

Prohibited Behavior

The College prohibits discrimination on the bases of age, disability, national origin, ancestry, race, color, religion, creed, sex, sexual orientation, or marital status, sexual harassment, sexual violence, or other harassment based upon sex. Further, the College prohibits retaliation for having made a prior discrimination, sexual harassment, or sexual violence complaint. Harassment is unwanted behavior directed toward an individual based on one or more of the foregoing designated characteristics or may be based upon sexual violence. Allegations of discrimination, sexual harassment, sexual violence, or other harassment based on sex may be based on conduct that occurs on College property, off College property, or outside a College education program or activity if the alleged behavior affects the College environment or likelihood of student or employee success. All members of the College community shall report incidents of discrimination, sexual harassment, acts of sexual violence, or other harassment based upon sex. South Suburban College investigates all allegations of discrimination, sexual harassment, sexual violence, and other harassment based on sex.

Examples of discrimination, sexual harassment, acts of sexual violence, or other harassment based on sex may include, but not be limited to:

- Refusing to hire or promote someone because of the person's protected status.
- Demoting or terminating someone because of the person's protected status.
- Jokes, pranks or epithets about a person's protected status.
- Teasing or practical jokes directed at a person based on his or her protected status.
- Displaying or circulating written materials or pictures that degrade a person or group.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.
- Unwelcome physical contact or conduct of a sexual nature, including, but not limited to, unwelcome sexual advances.
- The use or threatened use of sexual favors as a basis for academic or employment decisions.
- Conduct creating a hostile, intimidating or offensive academic or working environment or which has the effect of unreasonably interfering with work or student performance.
- Any verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit participation in, or benefit from, an educational program or activity or employment performance or has the effect of creating such an environment.

Discrimination and Sexual Harassment Procedure

Any individual who believes in good faith that he or she has been subjected to discrimination, sexual harassment, sexual violence, other harassment based on sex, or been subjected to any of the prohibited behaviors set forth above, may file a complaint without fear of violence, retaliation or discipline. The College will complete a prompt and confidential investigation as set forth below, following notice of a complaint. Any individual has the option to report allegations of discrimination, sexual harassment, sexual violence, or other harassment based upon sex to law enforcement and pursue a criminal action during the South Suburban College investigation. South Suburban College will not delay its own investigation merely because there is a simultaneous criminal investigation.

1. **Informal Process-** Any individual believing he or she has been a victim of discrimination, sexual harassment or other harassment based on sex shall notify the Title IX Coordinator or the Affirmative Action Officer. The notification shall be made no more than thirty (30) days after the alleged discrimination, sexual harassment or other harassment based on sex. Notification shall be in writing and may include email communication. The Title IX Coordinator or the Affirmative Action Officer shall make an effort to resolve the matter informally within ten (10) days of the complaint. At no point in the informal resolution process shall an individual be encouraged to resolve the alleged discrimination, sexual harassment or other harassment based on sex directly with the accused. All proposed resolutions during the informal

process shall be accepted or rejected by the complainant within five (5) days of the Title IX Coordinator's or the Affirmative Action Officer's proposed resolution. The complainant may terminate the informal resolution process at any time by completing the complaint form required by Step 2 below. Complaints involving alleged sexual violence shall immediately proceed to Step 2 – Formal Complaint Process. Formal complaints involving alleged sexual violence shall be filed within forty-five (45) days of the events giving rise to the complaint. The Title IX Coordinator or the Affirmative Action Officer shall document all complaints and maintain adequate records detailing the complaint and the outcome of all investigations, whether concluded informally under Step 1, formally under Step 2, or by appeal under Step 4.

2. **Formal Complaint Process-** If the matter cannot be satisfactorily resolved at step 1, the individual shall file a formal written complaint with the Title IX Coordinator or the Affirmative Action Officer. All formal complaints shall be submitted on the Discrimination and Sexual Harassment Complaint Form available from the Title IX Coordinator or the Affirmative Action Officer or through the South Suburban College website. All formal complaints must be signed and dated by the complaining individual. The signed Complaint Form may be submitted in person, by email or by mailing to the address listed above for either the Title IX Coordinator or the Affirmative Action Officer. If the Complaint Form is not filed within five (5) days of the proposed informal resolution, South Suburban College will consider the matter resolved and the investigation shall be closed. The Complaint Form shall be filed within forty-five (45) days of the alleged incident of discrimination, sexual harassment, sexual violence, or other harassment based on sex. The Title IX Coordinator or the Affirmative Action Officer shall notify the accused of the complaint and will conduct a thorough investigation through interviews with all relevant individuals, and by other appropriate and necessary means, within thirty (30) days of receipt of the Complaint Form. The investigatory time period may be extended by the Title IX Coordinator or the Affirmative Action Officer for justifiable reasons or by mutual consent of all involved parties. The complainant and the accused shall be informed in writing of any time extensions beyond the thirty (30) day period. During the investigation of the complaint, the complainant may request the implementation of interim remedial measures or the Title IX Coordinator or Affirmative Action Officer may invoke them as appropriate and necessary. Interim measures may include, but are not limited to, the following: a no contact order between the parties, changes to academic situations that impose a minimum burden on the student, counseling or mental health through the Employee Assistance Program or Student Assistance Program, job transfer, or academic support. The Title IX Coordinator or the Affirmative Action Officer shall make all necessary arrangements to implement interim measures, including coordinating with multiple College departments, as appropriate. The College shall make every reasonable effort to minimize the burden of interim measures on the complainant. Throughout the investigation, the parties shall have the following rights: the complainant shall not be required to appear in the same room as the accused, both parties will have equal and timely access to relevant information, both parties will have an equal opportunity to present evidence, past relationships with individuals other than the complainant and respondent will be disallowed and not investigated or considered, periodic status updates, to the extent permitted by applicable privacy laws, shall be given by the Title IX Coordinator or Affirmative Action Officer, assurance that if the College chooses to permit lawyers or other representatives at hearings, equal opportunity for representation shall occur, assurance that if the College chooses to permit cross-examination of the parties at a hearing, it will do so in a way that does not allow the parties to personally question or cross-examine each other directly, but will allow both parties to equally exercise this right through their lawyers or representatives.

3. **Written Findings-** Upon completion of the investigation, the Title IX Coordinator or the Affirmative Action Officer shall issue a written statement of the final outcome of the investigation to both the complainant and the accused. The Written Findings shall consider the alleged behavior from both a subjective and objective perspective and be determined based upon a preponderance of the evidence presented. The Written Findings shall consider whether the alleged behavior was an act of discrimination, sexual harassment, sexual violence, or other harassment based on sex in the context of providing aid, benefits, or services of the academic or employment environment. The Written Findings shall include a recommendation of a reasonable and appropriate remedy for the complaining party, if the Complaint is sustained. Remedies shall include specific recommendations for the complaining party, which may include, but are not limited to, counseling through the South Suburban College Employee Assistance Program or Student Assistance Program, academic support, and reassignment. The Written Findings may also include, if appropriate, but not limited to, discipline, up to and including suspension or termination of a College employee, and discipline, up to and including suspension or dismissal, of a College student. When deemed appropriate and necessary, South Suburban College may take additional corrective action to remedy any instances upon a finding of discrimination, sexual harassment, sexual violence, or other harassment based on sex.
4. **Right to Appeal-** If the complainant or the accused is not satisfied with the Written Findings, he or she shall request, in writing addressed to either the Title IX Coordinator or Affirmative Action Officer, that the College President, or his or her designee, review the matter on appeal. The written request must be made within ten (10) days of the Step 3 Title IX Coordinator's or the Affirmative Action Officer's Written Findings. If no Step 4 written request to appeal is received within the ten (10) days, the College will deem the investigation and case concluded and shall implement any recommendations or corrective actions. Appeals by College employees shall be reviewed by the College President, who will review all materials generated through the investigation, and who will provide his recommendation to sustain or deny the appeal, or for any further action, to the Board of Trustees within thirty (30) days of the President's receipt of the written request for appeal. At its next regularly scheduled meeting following receipt of the recommendation of the President, the Board of Trustees may review materials generated through the investigation of the Title IX Coordinator or Affirmative Action Officer, if appropriate, and arrange to meet with the complainant or accused, or their attorneys or representatives, in closed session, if deemed appropriate by the Board of Trustees, said meeting to be recorded as required of all closed Board meetings, and shall issue a final and binding decision. The President shall communicate the decision of the Board to the Title IX Coordinator or the Affirmative Action Officer, who shall promptly notify the parties of the final decision on appeal. Appeals by students shall be reviewed by an impartial three person panel. Student appeals shall be forwarded to the College President, who shall tender the names of three (3) administrators to the appealing party. The appealing party shall select, within three (3) days, one of these administrators to serve on the panel. The College President shall appoint one other College administrator to serve on the panel, and shall solicit the name of one member of the South Suburban College Faculty Association, said member to be chosen by the Association, to complete the three person panel. The panel will review the materials generated through the investigation of the Title IX Coordinator or Affirmative Action Officer and, if necessary as determined by the panel, arrange to meet with the complainant and accused or their attorneys or representatives, said meeting to be recorded by the panel. The final and binding decision of the panel shall be submitted to the President within thirty (30) days from the date the panel was fully formed. The President shall communicate the decision of the panel to the Title IX Coordinator or Affirmative Action Officer, who shall promptly notify the parties of the final decision on appeal.

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Weigh More Options.



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