

# Policy Prohibiting Discrimination Based on Sex Under Title IX, 2024

## INTRODUCTION

The McKendree University Title IX Policy protects students and employees from discrimination based on sex. This Policy sets forth McKendree University's obligations under the 2024 Title IX Regulations and incorporates the definitions and procedural requirements from the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. Accordingly, McKendree University will:

- Respond to all reports of sex-based discrimination and/or retaliation.
- Take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.
- Within any process related to this Policy, McKendree University provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, consistent with state and federal law.

Any concerns related to conduct prohibited by this Policy should be reported to McKendree University's Title IX Coordinators:

**Dr. Joni Bastian, TIX Coord.**  
[jjbastian@mckendree.edu](mailto:jjbastian@mckendree.edu)  
(618) 537-6555  
Clark Hall 106

**Ms. Jennifer Miller, Deputy TIX Coord.**  
[jrmiller@mckendree.edu](mailto:jrmiller@mckendree.edu)  
(618) 537-6572  
Clark Hall 106

### **Statement of Title IX Nondiscrimination**

As outlined in this Policy, McKendree University prohibits discrimination based on sex in its programs and activities. As defined by Title IX, discrimination based on sex includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by this Policy.

McKendree University does not discriminate in its admissions practices, employment practices, or its educational programs or activities based on sex. McKendree University also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to McKendree University.

Discrimination based on any other protected category will be addressed by the policies outlined in the Employee Handbook and the Student Code of Conduct located in the University Student Handbook.

### **Statement of Equal Access**

McKendree University shall provide certain support and modifications to employees and students experiencing pregnancy, pregnancy-related conditions, and recovery that includes pregnancy, childbirth, termination of pregnancy, and lactation to ensure their equal access to McKendree University's program(s) or activity(ies).

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McKendree University treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact the Office of Human Resources for more information because additional workplace laws and policies may apply.

## **Application of Section 504/Americans with Disabilities Act to this Policy**

McKendree University complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (“ADAAA”); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination based on disability. McKendree University is committed to providing individuals with disabilities equal access to McKendree University’s programs and activities.

Students may request reasonable accommodations for disabilities to the Title IX Coordinator and employees may contact the Chief Human Resources Officer at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a grievance procedure. Accommodations will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that the Title IX Coordinator or the Chief Human Resources Officer will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other McKendree University programs and activities.

With the consent of the impacted student, the Title IX Coordinator will work collaboratively with the Academic Resource Coordinator to ensure that approved reasonable accommodations (disability-related) are implemented. Employees may contact the Chief Human Resources Officer.

## **II. SCOPE AND JURISDICTION OF THIS POLICY**

All members of McKendree University’s community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in McKendree University sponsored activities, are subject to this Policy, though the procedures for resolving conduct prohibited by this Policy will vary based on one’s status.

This Policy may also pertain to instances in which the conduct occurred outside of the campus or McKendree University-sponsored activity if McKendree University determines that the off-campus conduct is within the jurisdiction of its disciplinary authority or affects a substantial McKendree University interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission.

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Any individual covered by this Policy is expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Unless otherwise specified in this Policy, any individual who is accused of engaging in conduct prohibited by this Policy who is not a student, faculty member, or staff member is generally considered a third party. McKendree University's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, with McKendree University. When appropriate, the Title IX Coordinator will refer such allegations against a third party to the appropriate office.

The status of a party may impact which resources and remedies are available to them under this Policy.

If there is a conflict between the provisions of this Policy and other McKendree University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated.

## III. PROHIBITED CONDUCT

This Policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this Policy:

### **Discrimination Based on Sex**

Except as permitted by Title IX, prohibited discrimination based on sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, employment required activities, extracurricular, research, occupational training, or other educational program, or activity operated by McKendree University.

Except as permitted by Title IX, McKendree University, including employees, students, participants, and agents of McKendree University, shall not, engage in any of the following prohibited discriminatory actions based on sex if it would cause more than *de minimis* harm:

- Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- Provide different aid, benefits, or services or provide aid, benefits, or services differently;
- Deny any person any such aid, benefit, or service;
- Subject any person to separate or different rules of behavior, sanctions, or other treatment;

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- Apply any rule concerning the residence of a student or applicant;
- Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person that discriminates based on sex in providing any aid, benefit, or service to students or employees;
- Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

For this definition, unless permitted by Title IX, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm based on sex and will be considered prohibited discrimination.

## **Sex-Based Harassment**

Sex-based harassment is a form of sex discrimination and **means sexual harassment and other harassment based on sex, as defined by Title IX, including harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.**

**Under this Policy, prohibited Sex-based Harassment includes the following conduct:**

### **1. Quid Pro Quo Harassment:**

Quid pro quo harassment occurs when an employee, agent, or other person authorized by McKendree University to provide an aid, benefit, or service under McKendree University's education program or activity, explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

### **2. Hostile Environment Harassment**

Hostile environment harassment is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is **subjectively and objectively offensive and is so severe or pervasive** that it limits or denies a person's ability to participate in or benefit from McKendree University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the individual's ability to access McKendree University's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within McKendree University's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and

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- Other sex-based harassment in McKendree University's education program or activity.

## **Sexual Assault & Interpersonal Violence**

Under this Policy, prohibited Sexual Assault & Interpersonal Violence includes the following conduct:

### **1. Sexual Assault**

Sexual assault is defined as any \*sexual act\* directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes:

**Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempted rape falls under this prohibition.

**Fondling**—The **touching of the private body parts** of another for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

**Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent is 18.

\*A sexual act is defined as conduct between persons consisting of:

Contact between the penis and the vulva or between penises and vulvas; Contact between the penis and the anus; Contact between the mouth and the penis; Contact between the mouth and the vulva; Contact involving any of the above or the buttocks or breasts. Private body parts include all of the body parts previously listed.

### **2. Dating Violence**

This includes violence committed by a person: Who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship; type of relationship; and frequency of interaction between the persons involved in the relationship.

Emotional and psychological abuse does not constitute violence for this definition.

### **3. Domestic Violence**

This includes felony or misdemeanor crimes of violence committed by a person who:

Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of McKendree University, or a person similarly situated to a spouse of the victim;

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Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

Shares a child in common with the victim; or

Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of St. Clair County, Illinois.

Emotional and psychological abuse does not constitute violence for this definition.

### **4. Stalking**

This is defined as engaging in a course of conduct, based on sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

### **5. Sexual Exploitation**

Sexual exploitation means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

The prostituting of another person;

The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;

The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;

The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.

The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, to arouse or gratify sexual desire.

### **6. Retaliation**

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by a student, an employee, or another person authorized by McKendree University to provide aid, benefit, or service under McKendree University's education program or activity, to interfere with any right or privilege secured by this Policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student or employee who refuses to participate in an investigation or proceeding.

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Retaliation may occur even where there is a finding of “not responsible” under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

## **IV. DELEGATION OF DUTIES UNDER THIS POLICY**

McKendree University shall respond to all allegations of Prohibited Conduct, as defined above. Obligations created by this Policy may be delegated by McKendree University, including to external professionals.

## **V. CONFLICTS OF INTEREST OR BIAS**

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would influence the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator shall immediately notify the other Title IX Coordinator, who will be reassigned, to handle the situation.

Should any Investigator, Hearing Panel Member, or Appeals Officer have a conflict of interest, the Investigator, Hearing Panel Member, or Appeals Officer shall notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

## **VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that McKendree University report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy that occur in particular campus-related locations. The Clery Act also requires McKendree University to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, McKendree University will ensure that a Complainant’s name and other identifying information are not disclosed. The Title IX Coordinator will refer information to a Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

## **VII. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

### **A. Employee Reporting Obligations**

All employees, with limited exceptions as identified by McKendree University, are required to provide, promptly, to the Title IX Coordinator(s) all complaints and/or reports of sex discrimination, including sex-based harassment involving students. If an

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employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, another employee that supervisor is required to bring the matter to the attention of the Chief Human Resources Officer.

When providing this information to the Title IX Coordinator or the Chief Human Resources Officer, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals, and the nature of the incident.

Aside from this reporting obligation, employees will to the fullest extent possible maintain the privacy of an individual's information, consistent with FERPA.

### **B. Public Awareness Events**

Employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events such as employee and student training events and sexual awareness programming.

The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, McKendree University must use the information to inform its efforts to prevent sex-based harassment, by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

### **C. How to Make a Report to McKendree University**

All complaints of violations of this Policy involving students and employees will be taken seriously and in good faith. The Title IX Coordinator and Chief Human Resources Officer will provide information and guidance regarding how to file a complaint with McKendree University and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, McKendree University will consider the party bringing forward a report on how the matter is pursued. McKendree University may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that McKendree University not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

<https://www.mckendree.edu/offices/student-affairs/student-conduct/reporting.php>

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There is no timeline for making a report of sex discrimination; however, McKendree University encourages the prompt reporting of a complaint as the ability of McKendree University to pursue the complaint to a conclusion may be hindered by the passage of time.

A student who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of McKendree University's student conduct policy at or near the time of the incident, unless McKendree University determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### E. Privacy and Confidentiality

All activities under these procedures shall be conducted with the privacy interests of those involved. While McKendree University will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, McKendree University cannot and does not, guarantee that all information related to complaints will be kept confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and McKendree University will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this Policy.

Individuals may speak confidentially with a Confidential Resource. McKendree University employs individuals who are not required to report detailed information about sex discrimination to the Title IX Coordinator:

1. **Privileged and Confidential Employees.** The University Chaplain, Health Services staff, and Counseling staff whose communications are privileged or confidential under Federal or State law are considered to be privileged and confidential employees. Disclosures made to these employees mean that information cannot be disclosed to anyone internal or external to McKendree University without express permission from the individual disclosing the information.

State law requires professional counselors to report: (i) when a client is likely to engage in conduct that would result in serious harm to the client or others; and (ii) if there is reasonable cause to suspect that a minor has been sexually abused. Reports of sexual abuse of minors must be made to the State of Illinois Online Reporting System—<https://childabuse.illinois.gov>.

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## **F. Reporting to the Police**

Some Prohibited Conduct may constitute a violation of both the law and McKendree University policy. McKendree University encourages students and employees to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. When there is a possible violation of the law, McKendree University will report the incident to the Lebanon Police Department.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out before, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to McKendree University as well as to law enforcement, McKendree University may delay its process if a law enforcement agency requests that McKendree University delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable, and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the McKendree University community or the safety of McKendree University as an institution is threatened, any individual with such knowledge should promptly inform the Director of Public Safety. McKendree University may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the McKendree University community and McKendree University as an institution.

## **VIII. RESPONSE TO A REPORT**

The following process will be used following the receipt of a report of Prohibited Conduct:

### **A. Initial Contact**

Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator or the Chief Human Resources Officer will contact the Complainant to meet for an initial intake and assessment meeting, and will provide the following:

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1. An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy;
2. Access to this Policy;
3. Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid, and other available services may be provided;
4. The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated;
5. The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
6. The right to notify law enforcement as well as the right not to notify law enforcement;
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Public Safety or local law enforcement in preserving evidence;
8. The right to an advisor of choice, if applicable, during McKendree University proceedings under this Policy including the initial meeting with the Title IX Coordinator;
9. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
10. Information on how to initiate the Investigation or Resolution-Based Agreement process.

### B. Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The Title IX Coordinator or Chief Human Resources Officer may also determine that the provision of supportive measures only is the appropriate response under the Policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual Complainant, the Title IX Coordinator or Chief Human Resources Officer will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator or Chief Human Resources Officer will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Title IX Coordinator will communicate to the Complainant this determination. If the Complainant **does not wish to initiate** a resolution process, the **Title IX Coordinator or Chief Human Resources Officer will assess whether to proceed as set forth below.**

If the information provided does not suggest a potential violation of this Policy, the Title IX Coordinator or Chief Human Resources Officer will provide the

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Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

## **C. Requests for Confidentiality or No Further Action**

When a Complainant requests that McKendree University not use their name as part of any resolution process, or that McKendree University not take any further action, McKendree University will generally try to honor those requests. However, there are certain instances in which McKendree University has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances when students are involved, the Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of McKendree University;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Hearing Panel in determining whether sex discrimination occurred;
8. Whether McKendree University could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents McKendree University from ensuring equal access based on sex to its education program or activity.

## **D. Emergency Removal**

For sex discrimination and sex-based harassment, McKendree University retains the authority to remove a Respondent from McKendree University's education program or activity on an emergency basis, where McKendree University:

1. Undertakes an individualized safety and risk analysis;

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2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. McKendree University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, McKendree University may defer to its interim suspension policies for students and administrative leave for employees.

### E. Administrative Leave

McKendree University retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

### F. Student Withdrawal or Employee Resignation While Matters Are Pending

If a **student or employee**, respondent permanently withdraws or resigns from McKendree University with unresolved allegations pending, McKendree University will consider whether and how to proceed with the resolution process. McKendree University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A **student** Respondent who withdraws or leaves while the process is pending may not return to McKendree University without first resolving any pending matters. Such exclusion applies to all McKendree University campuses and programs.

An **employee** Respondent who resigns with unresolved allegations pending is not eligible for rehire with McKendree University and the records retained by the Chief Human Resource Officer will reflect that status. Additionally, the Chief Human Resource Officer will respond to future inquiries regarding employment references and resignation inquiries for said individual.

### G. Dismissal of a Complaint

Before dismissing a complaint, McKendree University will make reasonable efforts to clarify the allegations with the Complainant. McKendree University may dismiss a complaint if:

1. McKendree University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in McKendree University's education programs or activities and/or is not employed by McKendree University;

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3. The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and McKendree University determines the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
5. McKendree University determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, McKendree University will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then McKendree University will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

McKendree University will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then McKendree University will also notify the Respondent that the dismissal may be appealed on the same basis.

When a complaint is dismissed, McKendree University will, at a minimum:

1. Offer supportive measures to the Complainant as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the McKendree University education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

### **IX. REFERRALS FOR OTHER MISCONDUCT**

McKendree University has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable McKendree University policy or code. As part of any such referral for further handling, McKendree University may use evidence already gathered through any process covered by this Policy.

### **X. CONSOLIDATION OF COMPLAINTS**

McKendree University may consolidate Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one

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Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, McKendree University may bifurcate the proceedings per the requirements of the individual policies.

McKendree University also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Services and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements outlined in this Policy.

### **XI. OPTIONS FOR RESOLUTION**

There are multiple ways to resolve a complaint or report of sex discrimination. During the resolution of a complaint, the Title IX Coordinator or Chief Human Resources Officer will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in McKendree University’s educational programs, services, and activities during the resolution of the complaint.

#### **A. Support-Based Resolution**

A support-based resolution allows a **Complainant** who does not wish McKendree University to take any further steps to address their concern when the Title IX Coordinator determines that another form of resolution, or further action, is not required. For cases involving students, some types of support that may be appropriate include but are not limited to adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

Employees may also receive support-based resolutions that may include but are not limited to workplace/schedule accommodations, EAP Services, and No Contact Orders.

A support-based resolution does not preclude later use of another form of resolution, for example, if new information becomes available to McKendree University and the Title IX Coordinator or Chief Human Resources Officer determines there is a need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation.

#### **B. Agreement-Based Resolution**

An agreement-based resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an

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investigation and does not include any finding of responsibility. An agreement-based resolution is a voluntary, structured interaction between or among affected parties, which balances support and accountability. If McKendree University offers an agreement-based resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator or Chief Human Resources Officer must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity.

Any party may design the proposed agreement between the parties. The Title IX Coordinator or the Chief Human Resources Officer must approve of the use of the agreement-based resolution process and approve the final agreement between the parties. An agreement-based resolution may be initiated at any time before the release of the final determination. Because the agreement-based resolution does not involve an investigation, there is **no determination** made as to whether a Respondent violated this Policy.

The Title IX Coordinator or Chief Human Resources Officer has the discretion to determine that agreement-based resolution is not an appropriate way to address the reported conduct and that the matter must instead be resolved through an alternate process.

### **Initiating the Agreement-Based Resolution Process**

Prior to the initiation of an agreement-based resolution, the Title IX Coordinator or Chief Human Resources Officer will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the agreement-based resolution process;
3. Any consequences resulting from participating in the agreement-based resolution process, including the records that will be maintained or could be shared, and whether McKendree University could disclose such information for use in a future McKendree University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the agreement-based resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the agreement-based resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy unless the Respondent admits to violations of this Policy;

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8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the agreement-based resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with a **minimum of 3 days' notice**;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an agreement-based resolution agreement.

### Facilitating an Agreement

If all Parties are willing to explore the agreement-based resolution, the Title IX Coordinator or Chief Human Resources Officer will then meet separately with each party to discuss the agreement-based resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the agreement-based resolution process, or the Title IX Coordinator or Chief Human Resources Officer does not believe that the terms of the agreement or continuing the agreement-based resolution process is appropriate, the Title IX Coordinator or Chief Human Resources Officer may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator or Chief Human Resources Officer will inform the parties of such decision, in writing.

Agreement-based resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator or Chief Human Resources Officer may serve as the facilitator, subject to these restrictions. The Investigator or Decision Maker for the matter may not facilitate an agreement-based resolution in that same matter.

Any party may create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements in cases involving students may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments (students);
2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent (students);
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or discipline agreed upon by all parties.

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To facilitate agreement-based resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the agreement-based resolution process may be disseminated to any outside person, provided that any party to the agreement-based resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an agreement-based resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

### **Finalizing the Resolution Agreement**

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator or Chief Human Resources Officer, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The agreement-based resolution process is generally expected to be completed within **thirty (30) days and may be extended** by the Title IX Coordinator or Chief Human Resources Officer as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an agreement-based resolution process can be shared with other offices as appropriate. Any violations of the terms of the resolution agreement may result in disciplinary action.

## **XII. INVESTIGATION & DECISION-MAKING RESOLUTION**

### **Assignment of the Investigator, Decision Maker, and/or Hearing Panel**

In cases involving students, McKendree University will assign a trained Investigator, Decision Maker, or Hearing Panel to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. McKendree University reserves the right to utilize internal or external Investigators, Decision Maker or Hearing Panel.

All parties have the option to participate in the investigation, and each has the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision Maker/Hearing Panel via a Title IX Coordinator.

The Investigator will establish deadlines for the submission of names of relevant witnesses and the submission of evidence and communicate those deadlines to the parties in writing.

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## **Conflict of Interest or Bias**

After a Notice of Investigation, as described below, is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have **three (3) days from the date of the Notice of Investigation** to object to the selection of the Investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the other Title IX Coordinator at the University. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

## **Timeline**

McKendree University strives to complete the investigation process within **ninety (90) days from the date of the Notice of Investigation.**

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring the availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

McKendree University shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

## **Burden of Evidence**

McKendree University has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process or to decline to participate. This does not shift the burden of proof away from McKendree University and does not indicate responsibility.

## **Evidentiary Standard**

The standard of proof used in any investigation and decision-making process is the **clear and convincing standard**, which **means that the evidence is highly and substantially more likely to be true than untrue that sexual harassment/discrimination occurred.**

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## Written Notice of Meetings

McKendree University will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

## Evidence Gathering

### A. Interviews

In cases involving students, the Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint, and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

### B. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by McKendree University to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by McKendree University as exempt from internal reporting under this Policy unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless McKendree University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

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## XIII. INVESTIGATION & DECISION-MAKING PROCEDURES FOR PROHIBITED CONDUCT EXCEPT SEX-BASED HARASSMENT INVOLVING A UNIVERSITY STUDENT AS A COMPLAINANT OR RESPONDENT. (106.45)

### Notice of Allegations and Investigation

Once a complaint has been received, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties. The Notice shall include, at a minimum:

1. McKendree University's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
2. The specific allegations, including the identity of the parties, and dates and location if known;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that Retaliation is prohibited;
5. Contact information for the assigned Investigator and Decision Maker, as well as the process for raising a challenge to the appointed Investigator, Decision Maker, or Title IX Coordinator, and the deadline for doing so;
6. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
7. A statement whether the Investigator or another individual, shall serve as the Decision Maker;
8. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made after the investigation and decision-making procedures. Before such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker;
9. A statement indicating that the parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
10. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to respond;
11. A statement that McKendree University prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies); and
12. The date and time of the initial interview with the Investigator, with a minimum of **five (5) days' notice**.

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## Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each interview. A party's advisor may attend these meetings, subject to the rules described above in this Policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator or the Chief Human Resources Officer in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings, and may be subject to further McKendree University discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at McKendree University's discretion, with all participants joining virtually through a video conferencing option.

McKendree University may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties. McKendree University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. McKendree University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable McKendree University rules.

## Evidence Review

After all fact gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to respond, meaningfully, to the evidence before the conclusion of the investigation, to submit any additional relevant evidence and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Given the sensitive nature of the information provided, McKendree University will securely facilitate this review. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any individual who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a **minimum of 5 days** to inspect and review the evidence and submit a written response in writing to the Investigator. McKendree University will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator or the Chief Human Resources Officer shall have the discretion to extend the evidence review period based

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on the volume and nature of the evidence. After the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact gathering as may be necessary. If new, relevant evidence is gathered during this **second fact-gathering period**, the new evidence will be made available for review by the parties and their advisors. The parties **shall have 5 days to respond to the newly gathered evidence**. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

The Parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

### **Determination and Investigation Report**

The Investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.

The Investigator, who may also serve as the Decision Maker, shall evaluate the relevant and not impermissible evidence and make factual determinations regarding each allegation. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible, or declined to participate. The Investigator and/or Decision Maker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions. The Investigator and/or Decision Maker shall prepare a report that shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
5. Findings of fact for each allegation, with rationale; and
6. Conclusions regarding which section of this Policy or other McKendree University policy, if any, the Respondent has or has not violated,

The Title IX Coordinator or Chief Human Resources Officer shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

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1. A statement of, and rationale for, any disciplinary sanctions McKendree University imposed on the Respondent;
2. For the Complainant, a description of any resolutions that apply to the Complainant;
3. McKendree University's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer; and
4. How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that McKendree University provides the parties with the written determination of the result of any appeal or, if no party appeals, the date on which an appeal would no longer be considered timely.

### **XIV. INVESTIGATION & DECISION-MAKING PROCEDURES IN CASES OF SEX-BASED HARASSMENT INVOLVING A STUDENT AS A COMPLAINANT OR RESPONDENT. (106.46)**

**This procedure is for all allegations of sex-based harassment involving a student as a party, regardless of the status of the other party.**

#### **Notice of Investigation**

Before the start of an investigation, a written Notice of Investigation communicating the initiation of an investigation will be provided to the Parties. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties. The Notice shall include, at a minimum:

1. McKendree University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. A statement that the Hearing Panel will serve as the Decision Maker;
6. A statement informing the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the

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- Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
7. A statement explaining the process for raising a challenge to the appointed Title IX Coordinator, and the deadline for doing so;
  8. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Panel/Decision Maker.
  9. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
  10. A statement that the parties are entitled to an equal opportunity to access an investigation report that accurately summarizes the relevant and not impermissible evidence.
  11. McKendree University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures;
  12. A statement that the names of the Hearing Panel members will be provided after the completion of the investigation and;
  13. The date and time of the initial interview with the Investigator, with a minimum of **five (5) days' notice**.

### Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each interview. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the Investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The

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Investigator must allow a party to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

McKendree University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. McKendree University has the discretion to remove, with or without warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable McKendree University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at McKendree University's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded.

The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and have the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

### **Investigator Determination of Relevance**

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and have the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered.

### **Evidence Review**

After all fact gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. If an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence before the conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. The Hearing Panel will not consider evidence not provided during the investigation process. Given the sensitive nature of the information provided, McKendree University will securely facilitate this review. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in

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any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a **minimum of 5 days** to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the investigator shall then conduct any additional fact gathering that may be necessary. If new, relevant evidence was submitted as part of the evidence review or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have **5 days to respond** to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

### Investigation Report

The Investigator shall evaluate the relevant and not impermissible evidence making factual determinations regarding each allegation. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator shall prepare a report which shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
5. Summary of facts gathered for each allegation.

This report will be provided to the Title IX Coordinator and/or the Chief Human Resources Officer, when appropriate.

### Hearing Procedures

In cases involving students, the purpose of a hearing is for a Hearing Panel to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. McKendree University expects that all individuals who participate

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in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings will be conducted in person. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

McKendree University will appoint a Hearing Panel, comprised of faculty and staff, who will determine whether a violation of McKendree University policy has occurred. The Hearing Panel shall have the authority to determine the relevance of the evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Panel shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by McKendree University and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of McKendree University but shall be available for listening until the conclusion of the appeals process to the Complainant, Respondent, their respective advisors, Hearing Panel, and Appeal Officer by contacting the Title IX Coordinator.

### **Prior to the Hearing**

The parties and the Hearing Panel all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness to the Title IX Coordinator at least **five (5) days** in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The TIX Coordinator will determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. A list of witnesses **approved** by the Title IX Coordinator will be provided to the parties at least **three (3) days before the hearing**.

**Three (3) days before the hearing**, each party shall submit to the Title IX Coordinator a preliminary list of questions they wish to pose to the other party or a witness. If the Title IX Coordinator determines that, any questions are not relevant or seek otherwise impermissible evidence, the Title IX Coordinator shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Panel must allow a party to clarify or revise any question that the Title IX Coordinator has determined is unclear or harassing and if

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the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

### **Advisor**

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to assist the party with understanding and navigating the proceedings. The Advisor may not advocate for, respond to, or otherwise speak on behalf of, a party during the hearing. If a party does not appear for the Hearing, the Advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

### **Hearing Participation Guidelines**

The Hearing Panel shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. If the Hearing Panel removes an Advisor, the Hearing Panel will have the discretion to appoint another Advisor for the remainder of the hearing. The Hearing Panel also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

### **Statements, Questioning, and Presentation of Evidence**

During the hearing, each party will be permitted to provide an **introductory statement**. Following introductory statements, the Hearing Panel will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Panel. The Hearing Panel will pose questions to the parties and witnesses including the questions they approved to be asked that were submitted by each party before the hearing. If the Hearing Panel determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Panel shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Hearing Panel is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Following the questioning of parties and witnesses, each party will be permitted to provide a **closing statement**. An advisor is not permitted to provide a closing statement on behalf of their party.

### **Hearing Panel Report**

Following the hearing, the Hearing Panel shall prepare a determination report. All findings shall be made by a clear and convincing standard of the evidence. To the extent credibility determinations need to be made, such determinations shall not be

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based on a person's status as complainant, respondent, or witness. The determination report will include:

1. A description of the sex-based harassment and other allegations if applicable;
2. A reference to the policies and procedures used to evaluate the allegations;
3. Description of all procedural steps taken to date;
4. The Hearing Panel's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
5. Determinations for each allegation of any policy violation(s), with the rationale.

The Hearing Panel's report shall be provided to the Title IX Coordinator. If the Hearing Panel determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive, a written Notice of Outcome along with a copy of the Hearing Panel's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator will provide each party, and their advisor a written Notice of the Outcome including the Hearing Panel's report, the sanction determination, and the procedures for appeal.

### **XV. SANCTIONS**

Sanctions must be designed to restore or preserve equal access to McKendree University's education program or activity.

An employee found responsible for a violation of this Policy will be subject to disciplinary warning up to and including termination of employment.

A student found responsible for a violation of this Policy may be subject to sanctions and resolutions including expulsion; no-contact order; written warning; suspension, restitution to cover property damage; community service; probation; reference to counseling; termination of work-study employment; removal from co-curricular organizations or teams; and notation in the Respondent's official student disciplinary record of the fact of a violation and the sanction. The Title IX Coordinator is responsible for the effective implementation of any sanction.

#### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by McKendree University. Responding parties involving students needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in

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additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation.

## XVI. APPEALS

### Types of Appeals (In cases involving students)

The following appeals are available: appeals of supportive measure decisions, appeals of emergency removals, appeals of dismissals in both \*45 and \*46 processes on specified grounds; appeals of final decisions in \*45 and \*46 processes on specified grounds.

### Grounds for Appeal

In cases involving students, the complainant or respondent may appeal the determination or any dismissal of the complaint on the following grounds only:

- **Question of Procedure:** there was a procedural irregularity that affected the outcome;
- **New Evidence:** there is new evidence not reasonably available that could affect the outcome;
- **Conflict of Interest or Bias:** there was a conflict of interest or bias by the institutional participants that affected the outcome.

Appeals must be filed with the Title IX Coordinator within **five (5) business days** of receiving the outcome notification letter. The Title IX Coordinator will forward the request to an Appeals Officer.

The appeal must be in writing and contain all of the following information:

- Name of the complainant;
- Name of the respondent;
- A statement of the determination of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

## XVII. PROHIBITION AGAINST RETALIATION

No one may intimidate, threaten, coerce, or discriminate against any individual to interfere with any right established by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

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Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, to interfere with any right under this Policy constitutes retaliation.

**The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.**

Charging a student with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XVIII. RECORD RETENTION**

In implementing this Policy, records of all reports and resolutions will be kept by the Title IX Coordinator under the applicable McKendree University records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing the confidentiality of student information. This means that McKendree University will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know to process complaints under this Policy.

### **XIX. ADDITIONAL ENFORCEMENT INFORMATION**

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

Questions about Title IX may be referred to the Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604 Telephone: 312-730-1560  
FAX: 312-730-1576; TDD: 800-877-8339  
Email: OCR.Chicago@ed.gov

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A complaint about the Title IX Coordinator may be made to:

U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/contact-eeoc>

## XX. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation, or best practices require policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to McKendree University's website.

## XXI. KEY DEFINITIONS

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. McKendree University will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.

**Affirmative Consent:** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;
4. It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

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**Coercion/Force:** Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complaint:** A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for McKendree University to investigate and make a determination about alleged sex discrimination under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail or incident reporting.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in a McKendree University program or activity (or attempting to participate) at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by McKendree University who receives information about conduct prohibited under this Policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Decision Maker:** Trained professional designated by McKendree University to decide responsibility, sanction, or appeals. A Decision Maker may be one person or a panel of multiple people as determined by McKendree University. When there is no hearing, the Investigator may be appointed as the Decision Maker.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** McKendree University's "education program or activity" includes all campus operations, including off-campus settings that are operated

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or overseen by McKendree University: including, for example, field trips, online classes, and athletic programs; conduct subject to McKendree University's disciplinary authority that occurs off-campus; conduct that takes place via McKendree University-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, McKendree University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

**Finding:** a written conclusion by a clear and convincing standard of the evidence that the conduct did or did not occur as alleged.

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

**No-Contact Order:** A No Contact Order is a document issued by McKendree University that is designed to limit or prohibit contact or communications between the parties. A No-Contact Order is mutual.

**Notice:** All notices under this Policy are written and sent to the student or employee's assigned McKendree University email address.

**Resolutions:** Resolutions mean measures provided, as appropriate, to a Complainant or any other person McKendree University identifies as having had their equal access to McKendree University's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after McKendree University determines that sex discrimination occurred. Only the Complainant will be informed of any resolutions pertaining to them. Some examples are academic support and/or the opportunity to retake a class, resubmit work, or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of resolutions involving students and the Chief Human Resources Officer is responsible for the implementation of resolutions involving employees.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

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**Sanctions:** One or more of the sanctions or disciplinary steps listed here may be imposed on a Respondent who is found responsible for a violation of McKendree University's policies.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable McKendree University rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
3. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
4. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
5. The need to remedy the effects of sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Employees found responsible for violating this Policy may be referred to the University official(s) for any other applicable processes.

**Student:** Any person who has (or will have) attained student status by:

1. Admission, housing, or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate, or other program offered by McKendree University.

**Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to McKendree University's education program or activity, including measures that are designed to protect the safety of the parties or McKendree University's educational environment; or
2. Provide support during McKendree University's grievance procedures or during an alternative resolution process.

Supportive measures for students may include but are not limited to counseling; extensions of deadlines, and other course-related adjustments; Public Safety escort; increased security and monitoring of certain areas of the campus, if possible; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or

## **Policy Prohibiting Discrimination Based on Sex Under Title IX, 2024**

unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to Respondents when they are notified of the allegations. The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing University policies.

Supportive measures for employees may include EAP services, change of work schedule, Public Safety escort, and No Contact Orders.

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<p><b>HEALTH SERVICES</b>          Beth Allan, RN, MSN, CSN, NP-C          Director of Health &amp; Counseling Services          (618) 537-6503  <a href="mailto:baallan@mckendree.edu">baallan@mckendree.edu</a>          513 Stanton Street          Lebanon, IL 62254</p> <p>Mon – Thurs, 8am - 4:30pm          Friday 8am- 2pm  <a href="http://www.mckendree.edu/offices/health-services">http://www.mckendree.edu/offices/health-services</a></p>	<p><b>COUNSELING SERVICES</b>          Melissa McHenry, MA, MS, LCPC          Assistant Director of Health &amp; Counseling Services          (618) 537-6416  <a href="mailto:msmchenry@mckendree.edu">msmchenry@mckendree.edu</a></p> <p>Charles Gregory, MA, LCPC, LPC          University Counselor          (618) 537-6975</p> <p>Hours: Mon – Fri, 8am – 4:30pm  <a href="http://www.mckendree.edu/offices/counseling-services">http://www.mckendree.edu/offices/counseling-services</a></p>
<p><b>CENTER FOR FAITH AND SPIRITUALITY</b>          Rev. Dr. Beverly Wilkes-Null, Chaplain          (618) 537-6962          Bothwell Chapel, 1st Floor          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="https://www.mckendree.edu/student-life/involvement/campus-ministries">https://www.mckendree.edu/student-life/involvement/campus-ministries</a></p>	<p><b>TITLE IX COORDINATOR AND DEPUTY COORDINATOR</b>          Joni Bastian, PhD          Vice President for Student Affairs, Title IX Coordinator          Clark Hall 108          (618) 537-6555  <a href="mailto:jjbastian@mckendree.edu">jjbastian@mckendree.edu</a></p> <p>Jennifer Miller, EdS          Assistant Vice President for Student Affairs, Deputy Title IX Coordinator          Clark Hall 106          (618) 537-6572  <a href="mailto:jrmiller@mckendree.edu">jrmiller@mckendree.edu</a></p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>
<p><b>METRO EAST EVERY SURVIVOR COUNTS:</b>          618-397-0975; <a href="#">METRO EAST EVERY SURVIVOR COUNTS WEBSITE</a></p>	<p><b>RAINN</b>          (Rape, Abuse and Incest National Network)          24/7 Hotline: (800) 656-HOPE  <a href="http://www.rainn.org">http://www.rainn.org</a></p>
<p><b>VIOLENCE PREVENTION CENTER, SOUTHWESTERN ILLINOIS</b>          24/7 Hotline: (618) 235-0892 or (800) 924-0096  <a href="https://www.vpcswi.org/">https://www.vpcswi.org/</a></p> <p>P.O. Box 831          Belleville, IL 62222          (618) 236-2531 ext. 140</p>	<p><b>SAFE CONNECTIONS</b>          24/7 Hotline: (314) 531-2003  <a href="http://www.safeconnections.org/">http://www.safeconnections.org/</a></p> <p>2165 Hampton Avenue          St. Louis, MO 63139          Office Phone: (314) 646-7500</p>

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### ON AND OFF CAMPUS SUPPORT AND SERVICES (CON'T)

<p>ALIVE (Alternatives to Living in Violent Environments) 24/7 Hotline: (314) 993-2777 <a href="http://www.alivestl.org">http://www.alivestl.org</a></p>	<p>MEMORIAL HOSPITAL EAST (618) 607-1000 1404 Cross Street Shiloh, IL 62269</p>
<p>ST. ELIZABETH'S HOSPITAL (618) 234-2120 1512 N. Green Mount Road O'Fallon, IL 62269</p>	<p>ST. JOSEPH'S HOSPITAL, HIGHLAND (618) 651-2600 12866 Troxler Avenue Highland, IL 62249</p>
<p>THE SAINT LOUIS ANTI-VIOLENCE PROJECT <a href="http://www.stlavp.org">http://www.stlavp.org</a> Contact: <a href="http://www.stlavp.org/contact-us.html">http://www.stlavp.org/contact-us.html</a></p>	<p>MCKENDREE UNIVERSITY PUBLIC SAFETY Emergency Assistance Line (618) 537-6911 Emergency Cell Phone (618) 792-3500 535 N. Monroe Street Lebanon, IL 62254</p> <p>Hours: 24 /7 <a href="http://www.mckendree.edu/offices/public-safety">http://www.mckendree.edu/offices/public-safety</a></p>
<p>National Domestic Violence Help Line: (877) 863-6338</p>	<p>LEBANON POLICE DEPARTMENT (618) 537-4955 403 W. St Louis Street Lebanon, IL 62254 Hours: 24/7</p>

### PRIVILEGED AND CONFIDENTIAL REPORTING

<p>HEALTH SERVICES Beth Allan, RN, MSN, CSN, NP-C Director of Health &amp; Counseling Services (618) 537-6503 <a href="mailto:baallan@mckendree.edu">baallan@mckendree.edu</a> 513 Stanton Street Lebanon, IL 62254</p> <p>Mon – Thurs, 8am - 4:30pm Friday 8am- 2pm <a href="http://www.mckendree.edu/offices/health-services">http://www.mckendree.edu/offices/health-services</a></p>	<p>COUNSELING SERVICES Melissa McHenry, MA, MS, LCPC Assistant Director of Health &amp; Counseling Services (618) 537-6990 <a href="mailto:msmchenry@mckendree.edu">msmchenry@mckendree.edu</a> 509 Stanton Street Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 4:30pm <a href="http://www.mckendree.edu/offices/counseling-services">http://www.mckendree.edu/offices/counseling-services</a></p>
<p>CENTER FOR FAITH AND SPIRITUALITY Rev. Dr. Beverly Wilkes-Null, Chaplain (618) 537-6962 Bothwell Chapel, 1st Floor 701 College Road Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm <a href="https://www.mckendree.edu/student-life/involvement/campus-ministries">https://www.mckendree.edu/student-life/involvement/campus-ministries</a></p>	<p>COUNSELING SERVICES Charles Gregory, MA, LCPC, LPC University Counselor (618) 537-6975</p>

# Policy Prohibiting Discrimination Based on Sex Under Title IX, 2024

## NON-CONFIDENTIAL REPORTING

<p>TITLE IX COORDINATOR          Joni Bastian, PhD          Vice President for Student Affairs, Title IX Coordinator          (618) 537-6555  <a href="mailto:jjbastian@mckendree.edu">jjbastian@mckendree.edu</a>          Clark Hall 108          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>	<p>DEPUTY TITLE IX COORDINATOR          Jennifer Miller, EdS          Assistant Vice President for Student Affairs          (618) 537-6572  <a href="mailto:jrmiller@mckendree.edu">jrmiller@mckendree.edu</a>          Clark Hall 106          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>
<p>MCKENDREE UNIVERSITY PUBLIC SAFETY          Emergency Assistance Line          (618) 537-6911          Emergency Cell Phone          (618) 792-3500          535 N. Monroe Street          Lebanon, IL 62254</p> <p>Hours: 24 /7  <a href="http://www.mckendree.edu/offices/public-safety">http://www.mckendree.edu/offices/public-safety</a></p>	<p>LEBANON POLICE DEPARTMENT          (618) 537-4955          403 W. St Louis Street          Lebanon, IL 62254          Hours: 24/7</p>
<p>RESIDENCE LIFE OFFICE          (618) 537-6855</p> <p>On Call Resident Director          (618) 920-9447</p> <p>Clark Hall 109          701 College Road          Lebanon, IL 62254</p>	