

OLIVET NAZARENE UNIVERSITY
Policy Against Title IX Sexual Harassment and Sexual Misconduct and
Investigation and Resolution Procedures
Respondent Rights and Options

The following information provides a summary of your rights and options as a Respondent under the University's Policy Against Title IX Sexual Harassment and Sexual Misconduct (the "Policy"), the University's Investigation and Resolution Procedures for Allegations of Title IX Sexual Harassment ("Title IX Sexual Harassment Procedures"), and the University's Investigation and Resolution Procedures for allegations of Sexual Misconduct ("Sexual Misconduct Procedures"). Please contact the Title IX Coordinator or a Title IX Committee member if you have any questions about this information.

I. General Information

- *Investigation and Adjudication Process.* The University is required to follow the process set forth in its Title IX Sexual Harassment Procedures and/or Sexual Misconduct Procedures when a formal complaint of Title IX Sexual Harassment and/or Sexual Misconduct is made.
- *Presumption of Non-Responsibility.* The fact that a complaint has been filed against you does not mean that the University has reached any conclusions about whether the alleged conduct has occurred. You are presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.
- *Preservation of Evidence.* It is extremely important that you preserve evidence showing the circumstances surrounding the allegations and complaint. This can include physical evidence (notes, calendars, receipts, clothing, etc.) as well as evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.).
- *Options.* When a complaint has been filed against you, you have several options, including, but not limited to:
 - Contacting parents or a relative
 - Seeking legal advice
 - Seeking personal counseling
 - Obtaining supportive measures
 - Filing a formal complaint (if applicable)
 - Receiving further information about the investigation and resolution process
- *Supportive Measures.* The University will make supportive measures available to you if they are reasonably available. Additionally, at any time during the investigation and adjudication process, the University may implement supportive measures for the parties or witnesses for the protection of those involved and to ensure equal access to the University's educational programs and activities. These may include separating the parties, placing limitations on contact between the parties, emergency suspension, or making alternative living, dining, transportation, class-placement, or workplace arrangements. Such measures are not considered disciplinary in nature. The University will also take reasonable and legally permissible action to implement any court restraining or no-contact order. Both parties must honor any supportive measures; violating them is a violation of University policy separate from the allegations of any complaint filed with the University. Please contact the Title IX Coordinator or a Title IX Committee Member if you want information about taking a leave of absence and related financial aid information..

- *Counseling.* The University recognizes that having a complaint filed against you, and the circumstances underlying that complaint, may cause elevated levels of stress and confusion. Counseling services are available to you through the ONU Center for Counseling and Health Services. Additional resources are identified on pages 3-5 of this document

II. Institutional Procedures

- The University's Policy Title IX Sexual Harassment Procedures (available at: <https://www.olivet.edu/title-ix-compliance-and-services>) govern complaints of Title IX Sexual Harassment, including quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The Policy and Sexual Misconduct Procedures (also available at: <https://www.olivet.edu/title-ix-compliance-and-services>) govern complaints of Sexual Misconduct, including non-Title IX sexual harassment and sexual exploitation. The procedures:

- Provide a prompt, fair, and impartial investigation and resolution of the complaint, under the evidentiary standard of preponderance of the evidence—i.e., more likely than not that the alleged conduct occurred.
- Are carried out by University officials who receive training on the issues related to Title IX Sexual Harassment and Sexual Misconduct; the scope of the University's education programs or activities; how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- Provide you and the Complainant the right to have a support person/advisor accompany you to all aspects of the investigation and adjudication process. Except as explained in the Title IX Sexual Harassment Procedures, a support person/advisor may not advocate for a party like an attorney would in court.
- Ensure that both you and the Complainant are notified simultaneously in writing of the outcome of the investigation and resolution proceedings, the procedure to appeal the outcome, any change to the outcome that occurs before the outcome is final, and when such outcome becomes final.
- Prohibit retaliation by the Complainant or anyone else against you for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because you have made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the University's Policy or procedures.

- If you desire to have a support person/advisor but cannot find someone that you are comfortable with, please contact the Title IX Coordinator or a Title IX Committee member for assistance in doing so.

- You are prohibited from retaliating against the Complainant or against anyone else who participates in the investigation and resolution process.

III. Confidentiality

- *Confidential Resources:* Information about an incident shared with confidential resources will not be shared with other University employees without permission of the individual seeking assistance. See the list of on campus, off campus and local resources on Pages 3-5 of this document.

- *Private Resources:* Privacy will be respected to the extent permitted under relevant law with respect to information about an incident shared with an employee who is not a confidential resource, including the Title IX Coordinator and Title IX Committee members. Such information will be shared only with University employees who have a need to know to assist in any investigation and/or resolution of the matter pursuant to the University's policies and procedures. Contact information for the University's Title IX Coordinator and Title IX Committee members is listed on Page [XX] of this document.
- Throughout the investigation and adjudication of the complaint, the University will maintain as confidential any supportive measures provided to the parties, to the extent maintaining such confidentiality does not impair the University's ability to provide such measures.
- The University is required by law to make certain statistical disclosures of crimes reported to it. If an incident is reported that is a crime, the University will make the statistical disclosure without disclosing personally identifying information about the parties.

IV. Resources Available

- Title IX Coordinator

Tom Ascher
 Director of Human Resources
 Olivet Nazarene University
 One University Avenue
 Bourbonnais, IL 60914
 Phone 815-928-5473
 Fax 815-928-5781
tascher@olivet.edu

- Title IX Committee Members

Jason Stephens – Vice President of Student Development
 815-939-5333
jbstephens@olivet.edu
 Drew Benson – Dean of Students
 815-939-5333
abenson@olivet.edu
 Darren Blair – Director of Public Safety
 815-928-5597
dblair1@olivet.edu
 Lauren Glenn – Head Coach, Women's Basketball/ SWA
 815-928-5475
Istamati@olivet.edu
 Mindy Williamson – Associate Director of Development & Engagement Tech Service
 815-939-5195
mawilliamson@olivet.edu
 Hillary Cole – Chair, Social Work & Criminal Justice/ Assistant Professor
 815-928-5407
hcole@olivet.edu
 Brianna Koch – Director of Counseling Services
 815-928-5786
bnkoch@olivet.edu

- On-Campus Confidential Advisors.

ONU Center for Counseling Services: 815-939-5256

■ Confidential Resources in the Community

Harbor House – 24-Hour Hot Line: 815-932-5800
Address: PO Box 1824, Kankakee IL, 60901
Office: 815-935-5814; Email: harbor@harborhousedv.org
www.harborhousedv.org/index.html

Clove Alliance
24-Hour Hot Line: 815-932-3322
1440 West Court Street, Kankakee, IL 60901
Office: 815-932-7273
<https://clovealliance.org/>

■ Local Medical Services

Riverside Medical Center
350 N. Wall St., Kankakee, IL 60901
815-935-7500
Website: <https://www.riversidehealthcare.org/>
Free forensic medical examination available

- Sexual Assault Nurse Examiner (SANE) Program: <http://www.kc-casa.org/get-help/medical-advocacy/>

Presence St. Mary's Hospital, Kankakee
500 W. Court St., Kankakee, IL 60901
815-937-2100
Website: <http://www.presencehealth.org/presence-st-marys-hospital-kankakee>
Free forensic medical examination available

- Sexual Assault Nurse Examiner (SANE) Program: <http://www.kc-casa.org/get-help/medical-advocacy/>

■ Department of Public Safety

One University Avenue
Bourbonnais, IL 60914
Phone: 815-939-5265
Webpage: <https://www.olivet.edu/public-safety-and-parking>
Email: publicsafety@olivet.edu

■ Student Financial Aid

One University Avenue
Bourbonnais, IL 60914
Phone: 815-939-5245
Webpage: <https://www.olivet.edu/student-financial-services>
Email: studentfinance@olivet.edu

■ Local Police

Bourbonnais Police Department
700 Main Street NW, Bourbonnais, IL 60914
Emergency: 911
Non-Emergency: 815-937-3577
Email: police@villageofbourbonnais.com
Website: <http://www.villageofbourbonnais.com/village-services/police>

■ Support Agencies/Hotlines

- Harbor House – 24-Hour Hot Line: 815-932-5800
Address: PO Box 1824, Kankakee IL, 60901
Office: 815-935-5814; Email: harbor@harborhousedv.org
www.harborhousedv.org/index.html
- Clove Alliance
24-Hour Hot Line: 815-932-3322
1440 West Court Street, Kankakee, IL 60901
Office: 815-932-7273
<https://clovealliance.org/>
- ICASA – Illinois Coalition Against Sexual Assault
100 North 16th St., Springfield, IL 62703
Phone: 217-753-4117
<https://icasa.org/>
- RAINN – Rape, Abuse, & Incest National Network: 1-800-656-HOPE (4673)
- National Domestic Violence Hotline: 1-800-799-7233

■ Legal Assistance, Visa and Immigration Assistance

- <https://illinoisattorneygeneral.gov/women/victims.html>
- https://www.illinoislegalaid.org/?contentID=7163&fuseaction=home.dsp_content#
- Immigration Advocates Network:
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/about-us/find-a-uscis-office/field-offices>

Please contact the Title IX Coordinator or a member of the Title IX Committee if you want to discuss other resources that may be available in the community. The Title IX Coordinator or Title IX Committee member can provide assistance in navigating available resources, including campus and local health, mental health, counseling and advocacy services, upon request.

Title IX Sexual Harassment Procedures

- Formal Complaint: A Complainant may file a formal complaint with the Title IX Coordinator requesting the University investigate and adjudicate the complaint. The Title IX Coordinator may also file a formal complaint on behalf of the University. The Title IX Coordinator must dismiss the formal complaint if it would not constitute Title IX Sexual Harassment or if the conduct alleged did not occur in the University's education programs or activities and/or the conduct alleged occurred outside the United States.
- Notice of Formal Complaint: Written notification to parties will include the identity of the parties involved; the conduct constituting the alleged violation of the Policy; and the date and location of the alleged incident; a statement that Respondent is presumed not responsible and that a determination of responsibility will not be made until the conclusion of the process; notification of the parties' rights to an advisor and to inspect and review evidence; notification of the University's prohibition on retaliation and false statements; and information regarding resources available to the parties. Additional notice will be provided if allegations are raised or the substance of the allegations change at any time during the University investigation and resolution process.
- Informal Resolution: At any time after notification of the formal complaint and before completion of an appeal, and with the Title IX Coordinator's approval, the parties may voluntarily consent to engage in informal resolution.
- Investigation: An investigator will gather inculpatory and exculpatory evidence relevant to the alleged misconduct. It is the University's burden to gather evidence sufficient to reach a determination regarding responsibility after the hearing. The parties will have an equal opportunity to be interviewed and to present witnesses and other evidence. After all evidence is gathered, the parties (and advisors) will have the opportunity to review and respond to the relevant evidence obtained. The investigator will complete a written investigation report that will be provided to the parties (and advisors) and to the hearing officer prior to the hearing.
- Notice of Hearing Officer: Title IX Coordinator will appoint a hearing officer. The hearing officer will send written notice to the parties notifying them of the hearing officer's appointment; setting a deadline to submit a written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures.
- Pre-Hearing Conference: The hearing officer will conduct a pre-hearing conference with the parties and their advisors to discuss the hearing procedures, address matters raised in the parties' written responses to the investigation report; discuss any stipulations; discuss the witnesses to attend the hearing; and address any other matters.
- Hearing: The hearing will be conducted live and audio recorded. While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:
 - Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
 - Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
 - Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
 - Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
 - Opportunity for each party to make a closing argument.

If a party or witness does not attend the hearing or submit to questioning by the parties' advisors, the statements of that party or witness will not be considered.

At the end of the hearing, the hearing officer will evaluate all relevant evidence, excluding any evidence ruled inadmissible, and will resolve disputed facts using a preponderance of the evidence standard to reach a determination regarding whether the facts supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

If the hearing officer determines the Respondent is responsible, he or she will consult with the appropriate University official, who will have received annual training on sanctioning guidelines consistent with relevant federal and state law, regarding any discipline to be imposed. Potential sanctions or corrective actions that may be imposed include:

- Written or verbal apology;
- Discrimination, harassment or consent education;
- Drug or alcohol counseling,
- Community service;
- Verbal or written warning;
- Probation;
- Suspension; and
- Dismissal or other separation from the University

The University will provide persons who have experienced Title IX Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's education programs or activities.

- Written Decision: The hearing officer will prepare a written decision that will include:
 - The allegations potentially constituting Title IX Sexual Harassment made in the Formal Complaint;
 - A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision.
 - Findings of fact, under a preponderance of the evidence standard, that support the determination;
 - A statement of each allegation that constitutes a separate potential incident of Title IX Sexual Harassment, including a determination regarding responsibility for each separate potential incident and the rationale for such determination;
 - The discipline determined by the appropriate University official and the rationale for that discipline;
 - Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
 - A description of the University's process and grounds for appeal.
- Dismissal during investigation or hearing:
 - The University will dismiss a Formal Complaint at any point during the process if:
 - The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment, even if proved; or
 - The conduct alleged in the Formal Complaint occurred outside the University's education programs or activities and/or outside the United States.
 - The University may dismiss a Formal Complaint at any point during the process if:
 - The Complainant voluntarily withdraws the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
 - The Respondent is no longer enrolled or employed by the University; or
 - Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

- Appeals: Either party may appeal the determination of a hearing or a dismissal of a Formal Complaint. Grounds for appeal are 1) a procedural irregularity affected the outcome; 2) substantive new evidence or information becomes available; 3) a conflict of interest or bias affected the outcome or 4) the sanction is disproportionate to the violation. Appeals must be submitted to the Title IX Coordinator within 7 days of notice of the outcome or three days of the other party appealing.

Sexual Misconduct Procedures

- Contacting and Notifying the Parties: A Complainant may submit verbal or written complaint or statement to the Title IX Coordinator. Written notification to the Respondent to include the identity of the parties involved; the specific section of the University's policy allegedly violated; the precise conduct constituting the alleged violation; and the date and location of the alleged incident. Additional notice if allegations are raised or the substance of the allegations change at any time during the University investigation and resolution process.
- Informal Resolution: Where appropriate, Informal Resolution may be used to resolve allegations of Sexual Misconduct. This may include interim measures, training and educational programming, and/or an agreed upon resolution. All parties and the University must agree to informal resolution.
- Formal Resolution: A prompt, fair, impartial and thorough investigation and appropriate resolution of all complaints of Sexual Misconduct made in good faith to the University conducted by University officials who receive annual training.
- Investigation: While the nature and extent of the investigation will vary from case to case, investigators will review information gathered; seek to interview the parties and witness; and gather and review additional relevant evidence. At the end of the investigation, the investigator will prepare a preliminary investigation report. The parties may respond to the preliminary investigation report to identify any factual inaccuracies or misunderstandings and/or additional questions to suggest the investigator ask the other party or witnesses. The investigator will address these responses as appropriate, and based on all information gathered during the investigation, will then prepare a final investigation report, including findings as to whether, under a preponderance of the evidence standard, the University's Policy has been violated by the Respondent.
- Sanctions and Corrective Actions: If the finding is that the Respondent is responsible for a violation of the policy, sanctions will be determined by University officials who have received annual training on sanctioning guidelines consistent with relevant federal and state law. Potential sanctions/corrective actions include:
 - Verbal or written warning.
 - Mandatory educational programming, projects, or counseling.
 - Community service.
 - Loss of privileges
 - Probation.
 - Removal from housing or other campus programs/activities/leadership positions.
 - Restrictions regarding entering certain buildings or areas of campus.
 - Performance improvement/management process (employees only).
 - Suspension from school or employment (with or without pay, in the case of employees).
 - Termination of contract with the University; and/or
 - Dismissal or other separation from the University.

The University will provide persons who have experienced Sexual Misconduct ongoing remedies as reasonably necessary to restore or preserve access to the University's education programs or activities.

- Appeals: The outcome of an investigation, including any resulting finding(s), sanction(s) or corrective action(s), may be appealed. Grounds for appeal are 1) that the investigator(s) materially deviated from the investigation and resolution process; 2) substantive new evidence or information becomes available; or 3) the sanction is disproportionate to the violation. Appeals must be submitted to the Title IX Coordinator within 7 days of notice of the finding or sanction appealed from.