

# Sex Discrimination & Sex-Based Policy and Procedures

Effective August 1, 2024

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## I. POLICY STATEMENT

Olivet Nazarene University (Olivet or the University) is committed to maintaining an environment that is free from all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence, and Stalking. In keeping with this commitment, the University prohibits and does not tolerate Sex Discrimination against any member of the University community, including students, faculty or staff, by any member of the University Community; or by visitors, contractors, consultants or vendors doing business with or providing services to the University.

## II. RELIGIOUS LIBERTY

Olivet is a private, Christian University that qualifies as a religious educational institution entitled to protection for religious liberty under the U.S. Constitution, Title IX of the Education Amendments of 1972 and its implementing regulations, Title VII of the Civil Rights Act of 1974, and relevant state and local laws. Nothing in this Policy will undermine the integrity of Olivet's status as a religious educational institution. Therefore, conduct by a member of the Olivet Community that is in conformity with Olivet's Christian beliefs (as those beliefs are determined by Olivet) will not be deemed to violate this Policy, notwithstanding the definitions set forth in the implementing regulations for Title IX. Furthermore, nothing in this Policy shall require Olivet to take any action, or fail to take any action, inconsistent with its religious beliefs.

## III. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT

This Policy is only applicable to alleged Prohibited Conduct that occurred after August 1, 2024. For alleged conduct of sex discrimination occurring prior to August 1, 2024, please refer to previous policy in use at the time of the alleged Prohibited Conduct, which is available by request of the Title IX Coordinator at [titleix@olivet.edu](mailto:titleix@olivet.edu). All current policies are available at [www.olivet.edu/title-ix-compliance-and-services](http://www.olivet.edu/title-ix-compliance-and-services) or by emailing the Title IX Coordinator at [titleix@olivet.edu](mailto:titleix@olivet.edu).

This Policy applies to all students; student organizations; Olivet employees and contractors, including staff, faculty, and administrators; and all other persons who participate or attempt to participate in Olivet's Education Programs and Activities, including third-party visitors on campus (the "Olivet Community"). This Policy prohibits the conduct set forth in Section VIII regardless of the Complainant and Respondent's relationship status and whether the Complainant and Respondent are members of the same or opposite sex.

Olivet may investigate any alleged violation of this Policy that occurs in the context of Olivet's Education Programs and Activities (including academic, educational, extracurricular, and other Olivet programs), or for which Olivet otherwise has a substantial interest, regardless of whether that conduct occurred on or off campus. A substantial interest includes: Any action that constitutes a criminal offense as defined by applicable law (this includes, but is not limited to, single or repeat violations of any local, state, or federal law);

1. Any situation in which it is determined that the Respondent poses an immediate threat to the health or safety of any student or other member of the Olivet Community;

2. Any situation that significantly impinges upon the rights, property, or achievements of a member of the Olivet Community or significantly breaches the peace or causes social disorder within the Olivet Community;
3. Any situation where the alleged misconduct may have continuing effects on campus or in an off-campus Education Program or Activity; or
4. Any situation that is detrimental to the educational interests or mission of Olivet.

All actions by a student that involve the use of Olivet's computing and network resources from a remote location, including but not limited to accessing email accounts, using learning management systems, and participating in online classes, will be deemed to have occurred in the context of Olivet's Education Programs and Activities.

Regardless of whether the Respondent is known or otherwise subject to sanctions imposed by Olivet, the Title IX Coordinator will offer the Complainant Supportive Measures, remedies, and resources, such as identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, assisting to contact local or campus law enforcement if the individual would like to file a police report. Although Olivet may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and, where appropriate, the broader Olivet Community.

If any terms of this Policy conflict with terms of another Olivet policy, the terms of this Policy will control.<sup>1</sup>

## IV. DEFINITIONS

**Confidential Resources:** Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties to which privilege or confidentiality applies. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual or if a federal, state, or local law mandates disclosure, such as in the case of child abuse and neglect.

While Confidential Resources are not required to report potential Prohibited Conduct to the Title IX Coordinator, Confidential Resources must:

- Explain their confidential status to any person who informs the Confidential Resource about potential Prohibited Conduct, including the circumstances in which the Confidential Resource is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Prohibited Conduct.
- Provide such person with contact information for the Title IX Coordinator.
- Explain how the individual may make a complaint of Prohibited Conduct directly to the Title IX Coordinator.
- Explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Complaint Resolution Procedures.

A list of Confidential Resources is included in Appendix B.

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<sup>1</sup> Olivet's obligation to comply with Title IX is not alleviated by any State law, local law, FERPA (20 U.S.C. 1232g), FERPA regulations (34 CFR part 99), or any other requirement that conflicts with Title IX.

**Confidential Advisors:** As provided by the Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155 et seq. (the “Illinois Preventing Sexual Violence Act”), Olivet also provides students in Illinois who have experienced sexual violence with access to Confidential Advisors meeting the statutory requirements of Illinois law to provide emergency or ongoing support to such students. Please contact the Title IX Coordinator at [titleix@olivet.edu](mailto:titleix@olivet.edu) to request a Confidential Advisor.

**Complainant:** When used in this Policy, the Complainant is a person who is alleged to have experienced Prohibited Conduct while participating or attempting to participate in Olivet’s Education Programs or Activities at the time the alleged conduct occurred.

**Complaint:** A Complaint is an oral or written request alleging a violation of this Policy against a Respondent and requesting that Olivet initiate an investigation and make a determination regarding responsibility pursuant to this Policy and its Complaint Resolution Procedures. Oral Complaints can be made to the Title IX Office in person, over the phone, or via Teams/Zoom. A written Complaint may be filed with the Title IX Coordinator or Designee in person, by mail, or by electronic mail by using the contact information in Section VI of this Policy. Complaints may only be made by a Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant; or, in limited circumstances, the Title IX Coordinator.

**Designated Reporter:** Designated Reporters are required to report any information regarding conduct that may reasonably constitute Prohibited Conduct by this Policy to the Title IX Coordinator. All Olivet employees are Designated Reporters unless they have been designated by Olivet as a Confidential Resource or Confidential Advisor.

**Good Faith Report:** A report of conduct that may constitute Prohibited Conduct as defined by this Policy by a person who has reasonable cause to believe the report is true and who is making it without malice or consideration of personal benefit.

**Olivet’s Education Programs and Activities:** Olivet’s Education Programs and Activities include all of the operations of Olivet (onsite or remote), including both admissions and employment. Conduct occurs within the scope of Olivet’s Education Programs and Activities when:

- It occurs on any Olivet campus – onsite or through remote means;
- It occurs on a property or in any facility owned and controlled by Olivet;
- It occurs as part of Olivet’s operations whether in-person or remote;
- It occurs in a building owned or controlled by a student organization that is officially recognized by Olivet;  
or
- It is conduct that is subject to Olivet’s disciplinary authority.

**Olivet Community:** All persons who participate in Olivet’s Education Programs and Activities, including board members, administrators, faculty, staff, other employees, students, volunteers, guests, and contractors.

**Party or Parties:** Refers to the Complainant and the Respondent, or both collectively.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, or medical conditions related thereto, or recovery therefrom.

**Preponderance of the Evidence:** A type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard as applied in this Policy, the burden of proof is met when the Investigator reviews the relevant evidence and concludes that there is a greater than 50% chance that the claim is true.

**Prohibited Conduct:** Conduct prohibited by this Policy, as defined in Section VIII.

**Relevance:** Questions and evidence are relevant if they seek evidence that may aid in determining whether the alleged Prohibited Conduct occurred.

**Respondent:** When used in this Policy, the Respondent is the person who is alleged to have engaged in Prohibited Conduct.

**Sex Based:** Means on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity.

**Student:** Any individual who has gained admission at Olivet Nazarene University, whether or not they have matriculated.

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

- Restore or preserve that party's access to Olivet's Education Programs or Activities, including measures that are designed to protect the safety of the parties or Olivet's community and educational environment; or
- Provide support during Olivet's grievance procedures or during Informal Resolution.

## V. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY

Olivet is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. To the fullest extent practicable, consistent with fair and full investigation procedures, information related to a report of Prohibited Conduct will only be shared by Olivet with those who need to know<sup>2</sup> (i) to assist in the investigation or resolution of the report, or (ii) to allow Olivet to comply with other requirements under this Policy or federal, state, or local law. Individuals who are involved in the review, investigation, or resolution of reports or Complaints are trained to safeguard private information.

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<sup>2</sup> For example, if Olivet has reasonable suspicion that a student or employee may be a risk of harm or direct threat to the safety of others, Olivet may use discretion to disclose necessary information for the protection of the Olivet Community and its operations.

Olivet prohibits Parties, and their advisors, and witnesses from distributing documents as well as other information and evidence obtained solely through their participation in the Complaint Resolution Procedures, including, but not limited to, the Complaint, interview summaries, the evidence file, Investigation Report, and Written Determination, other than for the purpose of a Party consulting with their advisor. Nothing in this section should be interpreted to be a restriction upon a Party to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Complaint Resolution Procedures or any other civil, criminal, or administrative legal proceeding.

As appropriate, an Olivet official such as the Title IX Coordinator, may issue an order restricting the Parties from disclosing specific information. Additionally, sharing information obtained through the Complaint Resolution Procedures may also constitute Retaliation prohibited under this Policy if other elements of the definition of Retaliation are satisfied. Olivet will provide other participants, such as witnesses and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with Olivet's rules regarding privacy.

Olivet will take reasonable measures to protect the privacy of proceedings and records; however, Olivet cannot and does not guarantee that privacy will be maintained. Privacy does not mean that Olivet is constrained from divulging facts of proceedings in appropriate circumstances and where permitted by law.

Students and employees who wish to obtain confidential assistance without making a report to Olivet may do so by contacting the Confidential Resources listed in Appendix B. These resources will not share any personally identifiable information with other Olivet employees without express permission unless doing so is necessary to address a serious and ongoing threat to the Olivet Community or where required by federal, state or local law.

When Olivet receives a report or Complaint of alleged Prohibited Conduct, but the Complainant requests that their identity remain confidential or that Olivet not take action to address the conduct reported, Olivet must balance this request against its responsibility to provide a safe and non-discriminatory environment for all members of the Olivet Community. The Title IX Coordinator will exercise the authority to make a Complaint only after careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent the University from maintaining a non-discriminatory environment. Such factors to be considered 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 of additional Prohibited Conduct; (4) the severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of the 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 involved; (6) whether the alleged perpetrator is an employee; (7) the scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals; (8) the availability of evidence; and (9) whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiating the investigation and adjudication procedures.



If the Title IX Coordinator makes a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

If the Complainant or the Title IX Coordinator makes a Complaint, the University will commence an investigation proceed to adjudicate the matter as specified in the procedures below. In all cases where a Complaint is made, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator makes a Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue or recur in the University's Education Programs or Activities and to remedy its effects, if any.

## VI. TITLE IX COORDINATOR

Olivet has designated the Title IX Coordinator, with the assistance of designated staff, to coordinate Olivet's compliance with Title IX and its implementing regulations and Illinois state law; to receive reports and Complaints of Sex Discrimination; and to oversee compliance with the University's response to Sex Discrimination, as dictated by this Policy. When used in this Policy, the term Title IX Coordinator may include an appropriate Designee. If you have any questions about this Policy, you may contact Olivet's Title IX Coordinator:

Tom Ascher (Director of Human Resources/ Title IX Coordinator)  
Office of Human Resources  
Miller Business Center  
1 University Ave, Bourbonnais, IL 60914  
815-928-5473 / [titleix@olivet.edu](mailto:titleix@olivet.edu)

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and related Complaint Resolution Procedures. The Title IX Coordinator may delegate responsibilities under this Policy to qualified Olivet employees or external professionals. Individuals tasked with aspects of implementation of this Policy and its Complaint Resolution Procedures receive appropriate training as required by relevant federal, state, and local laws.

The Title IX Coordinator will monitor Olivet's Education Programs and Activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

In addition to the Title IX Coordinator, questions about Title IX and its implementing regulations may be referred to the U.S. Department of Education's Office for Civil Rights ("OCR"). Contact information for OCR is available at this link: [Office for Civil Rights](#)

## VII. CAMPUS AND COMMUNITY RESOURCES

### 1. Overview of Resources and Disclosures

Olivet is committed to the safety and care of all individuals and to treating each person with value, honor, and compassion according to our calling as followers of Christ. Both Complainants and Respondents have equal access to support and counseling through Olivet's Counseling Services. All Parties are encouraged to utilize on-campus or off-campus resources for assistance. For a comprehensive list of resources, see Appendix B of this Policy.

Any individual who has been the victim of a crime is encouraged to get to a safe place and to call 911 or to contact local law enforcement immediately.

Olivet recognizes that not every individual will choose to report conduct prohibited by this Policy to Olivet or to law enforcement. Accordingly, Confidential Resources are available to all students and employees. Confidential Resources can provide critical support and information and can assist individuals in evaluating whether to make a report to Olivet or to law enforcement. Confidential Resources are listed in Appendix B.

As set forth in Appendix B, Olivet's Counseling Services ([counseling@olivet.edu](mailto:counseling@olivet.edu)) and Health Services (815-939-5256) are Olivet's designated Confidential Resources. Confidential Resources are certain employees who are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of harm to the reporting party or another individual or where required by federal, state, or local law.

All other employees of Olivet are Designated Reporters and have an obligation to share any information about conduct that may reasonably constitute Prohibited Conduct with the Title IX Coordinator.

### 2. On-Campus Confidential Advisor

Individuals wishing to receive confidential assistance without making a report to the University may speak with the University's Confidential Advisor. This confidential resource is available to assist you and will not report your circumstances to the University without your permission unless otherwise required to do so by law (such as when the victim is a minor). A Confidential Advisor is available to discuss incidents or accusations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking with both Complainants and Respondents in confidence, and provide emotional support in a safe and confidential space.

Notwithstanding the foregoing, when necessary, the on-campus Confidential Advisor will make a non-identifying report to the appropriate University personnel so that reported crimes can be included in the University's annual crime statistics disclosure. Disclosures to a Confidential Advisor will not trigger the University's investigation into an incident.

In addition to providing confidential counseling, the Confidential Advisor also provides emergency and ongoing support to individuals who have experienced or been accused of Sexual Assault, Dating Violence, Domestic Violence, or Stalking including:

- Providing information regarding the individual's reporting options and possible outcomes, including making a report or a Complaint under this Policy and notifying local law enforcement;
- Providing information about available resources and services, including but not limited to services available on campus and through community-based resources such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- Providing information regarding orders of protection, no contact orders or similar lawful orders issued by the University or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the Confidential Advisor consistent with applicable law;
- Upon request and as appropriate, providing assistance in contacting campus officials, community-based sexual assault crisis centers, campus security and/or local law enforcement; and/or
- Upon request, providing assistance with securing Supportive Measures and accommodations.

The University has designated the following Confidential Advisor:

Brianna Koch  
Director of Counseling Services  
[bnkoch@olivet.edu](mailto:bnkoch@olivet.edu) 815-928-5786

### 3. Medical Care After a Sexual Assault

Any person who experiences Sexual Assault or Sexual Violence, Domestic Violence, or Dating Violence is encouraged to immediately seek medical assistance. Seeking medical care does not result in a report to law enforcement or to Olivet. Medical providers can facilitate or provide the following:

- Treatment of any injury or physical trauma
- HIV and STI testing
- Pregnancy testing
- Advice on health care concerns related to the incident
- Collection and preservation of evidence as a part of a sexual assault forensic exam for potential use in criminal prosecution

For more information about sexual assault forensic examinations, visit RAINN's (Rape, Abuse & Incest National Network) webpage, call RAINN's 24-hour National Sexual Assault Hotline: (800) 656-HOPE, or chat online at [hotline.rainn.org](http://hotline.rainn.org).

#### 4. Pregnancy and Related Conditions

Olivet is committed to creating an educational environment that is free from discrimination based on pregnancy or related conditions. Students may request reasonable modifications for pregnancy or related conditions by contacting the Title IX Coordinator at [titleix@olivet.edu](mailto:titleix@olivet.edu). Reasonable modifications vary based on the student's circumstances and may include academic accommodations and flexibility (such as breaks during classes, excused absences, rescheduling of tests, extensions of deadlines, and alternatives to make up missed work); leaves of absences or changes in work schedules; changes to housing; or other types of modifications. The Title IX Coordinator will meet with the student and review the request for reasonable modifications.

Additionally, Olivet will provide a lactation room that is accessible upon request.

### VIII. PROHIBITED CONDUCT

Prohibited Conduct includes the conduct defined in this section. Olivet will respond to all reports of Prohibited Conduct pursuant to this Policy. Conduct that does not meet the definitions below or that is not otherwise prohibited by this Policy may violate other Olivet policies or may be considered inappropriate or unacceptable within the Olivet Community. In appropriate cases, the Title IX Coordinator may refer reports of such conduct elsewhere within Olivet for resolution.

**1. Sex Discrimination:** Sex Discrimination is an omnibus term that includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.<sup>3</sup>

a. **Adverse Treatment Sex Discrimination:** Material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

b. **Policy or Practice Discrimination:** Means a University policy, practice, or condition that has the effect of excluding or limiting a person from participating in the University's Education Programs or Activities on a Sex-Based category or that results in inequitable access to the University's Education Programs or Activities on a Sex-Based category, except where such action is permitted by law.

**2. Sex-Based Harassment:** A form of Sex Discrimination that includes sexual harassment and other harassment on the basis of sex that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault/Sexual Violence, Dating Violence, Domestic Violence, or Stalking.

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<sup>3</sup> A person or persons will not be found to have committed sex discrimination based solely on adhering to the religious and biblical beliefs of Olivet as stated and explained in Olivet's doctrinal and positional statements.

a. **Quid Pro Quo Harassment:** An employee, agent, or other person authorized by Olivet to provide aid, benefit, or service of the University explicitly or implicitly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

b. **Hostile Environment Harassment:** 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 Olivet's Education Programs or Activities. Whether a hostile environment has been created requires a fact-specific inquiry that includes analysis of the following considerations:

- I. Degree to which the unwelcome conduct affected the person's access to Olivet's Education Programs or Activities;
- II. Type, frequency, and duration of the unwelcome conduct;
- III. Parties' ages, roles, within Olivet's Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the unwelcome conduct;
- IV. Location and context of the unwelcome conduct; and
- V. Other sex-based harassment in Olivet's Education Programs or Activities.

c. **Sexual Assault/Sexual Violence<sup>4</sup>:** Any one or more of the following sexual acts directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent.

- I. **Non-Consensual Sexual Penetration (Rape, Sodomy)**
  - a) Non-Consensual Sexual Penetration includes penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another individual or by a sex-related object, either:
    1. without the consent of the individual, or
    2. in instances in which the individual is incapable of giving consent because of age, or because of temporary or permanent mental or physical incapacity.
- II. **Non-Consensual Sexual Contact (Fondling)**
  - a) The touching, either directly or through clothing, of the private body parts of another individual (buttocks, groin, breasts) for the purpose of sexual gratification, either:
    1. without the consent of the individual, or
    2. in instances in which the individual is incapable of giving consent because of age, or because of temporary or permanent mental or physical incapacity.
- III. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

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<sup>4</sup> Sexual Assault constitutes "sexual violence" as defined under relevant Illinois law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (Illinois Preventing Sexual Violence in Higher Education Act). <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3672&ChapterID=18>

- IV. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent in the state where the sexual intercourse occurs.<sup>5</sup>

d. **Dating Violence:** Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on a consolidation of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

e. **Domestic Violence:** Sexual or physical violence committed by a current or former spouse or intimate partner of an individual; by a person with whom the individual shares a child in common; by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; by a person similarly situated to a spouse of the individual under the domestic or family violence laws of the state where the alleged misconduct occurred, or by any other person against an adult or youth individual who is protected from that person's acts under the applicable domestic or family violence laws of the state where the alleged misconduct occurred.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates.

f. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

- I. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- II. Reasonable person means a reasonable person under similar circumstances and with similar characteristics to the Complainant.
- III. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

An employee will not be found to have engaged in stalking based solely on the employee's performing certain tasks or duties required by their employment with Olivet.

3. **Sexual Exploitation:** Sexual Exploitation is engaging in any of the following:

- I. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all Parties involved;

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<sup>5</sup> Illinois state law age of consent is seventeen (17)

- II. Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
- III. Exposing one's genitals to another person without the consent of that person;
- IV. Exposing another person to a sexually transmitted disease or infection without the knowledge and consent of the person exposed; and
- V. Causing another person to become incapacitated with the intent of making that person vulnerable to Sexual Assault or Sexual Exploitation.

In addition to the above definition, examples of sexual exploitation include, but are not limited to:

- I. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- II. Knowingly creating, possessing, or disseminating child sexual abuse images or recordings; and
- III. Creating or disseminating synthetic media (through the use of artificial intelligence or other means), including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes).

**4. Aiding or Facilitating:** Knowingly and intentionally aiding or facilitating any act of Prohibited Conduct, before or after the fact, is a violation of this Policy.

**5. Retaliation:** Retaliation, or peer retaliation, is adverse action taken against an individual with the purpose of interfering with an individual's rights under this Policy and the Complaint Resolution Procedures, including for making a report or for participating or refusing to participate in an investigation, proceeding, or other aspects of the resolution process. Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of Prohibited Conduct. Complaints of retaliation that are made during the course of the investigation or resolution of a Complaint of Prohibited Conduct will be investigated and resolved along with the allegations in the Complaint pursuant to the Complaint Resolution Procedures. Complaints of retaliation that are made after a Complaint is resolved will be investigated and resolved pursuant to the Employee Handbook or Student Life Handbook, depending on the identity of the respondent.

**6. False or Bad Faith Allegations:** An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from Olivet's academic programs.

## 7. Consent, Coercion, and Incapacitation

a. **Consent:** Sexual contact must be consensual at all times, and sexual contact is considered consensual only after Consent has been given. Consent is a knowing, voluntary, and mutual decision among all participants to engage in the particular sexual activity at issue. Consent must be freely given by words or actions, but those words or actions must create clear permission such that a reasonable person in the position of the Respondent would understand as agreement to engage in the sexual activity at issue. Silence or lack of resistance, by itself, does not demonstrate consent. The definition of Consent does not vary based upon a participant's sex.

The following principles apply to the above definition of Consent:

- Consent to any sexual act or prior consensual sexual activity does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be withdrawn at any time.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- A person is incapable of consent when they are below the minimum age of consent in the state where the sexual act is occurring or because of a temporary or permanent mental or physical incapacity.
- Consent cannot be given when it is the result of any coercion.
- A person's manner of dress does not constitute consent.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with a different person.

b. **Coercion:** Coercion is intimidation or other conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement, (2) expressed or implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person to fear such harm. Coercion can include unreasonable and sustained pressure for sexual activity when a person expresses their decision to not participate in a particular form of sexual activity, a decision to stop a sexual activity, or a decision not to go beyond a certain sexual interaction. Coercive behavior differs from seductive behavior based on the type of pressure used to get consent from another. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

c. **Incapacitation:** Incapacitation is a state where one cannot make a rational decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or are physically helpless. Incapacitation negates consent. An individual cannot give consent when mentally or physically incapacitated, when the incapacity is known or, based on the circumstances, should reasonably have been known. An individual who engages in sexual activity when that individual knows or should have known that the other person is physically or mentally incapacitated has violated this Policy. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. Some examples of Incapacitation may include:

- I. The person is incapacitated due to the use or influence of alcohol or drugs. Because the impact



of alcohol and other drug use varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence to prove they were incapacitated under this Policy. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to give consent.

- II. The person is asleep or unconscious.
- III. The person is involuntarily restrained.
- IV. The person is incapacitated due to a mental or physical disability.

## IX. MAKING A REPORT UNDER THIS POLICY

### 1. Reporting Guidelines

All members of the Olivet Community are encouraged to report conduct that may be prohibited by this Policy. Olivet will respond to all reports of Prohibited Conduct, including contacting the Complainant to discuss the availability of Supportive Measures, resources for support, and options for resolution.

At the time a report of Prohibited Conduct is made, a Complainant does not have to decide whether to pursue resolution of the report through any particular resolution process. Although Olivet may need to take action as a result of a particular report, Olivet will endeavor to respect a Complainant's wishes in making the decision that is best for them and will provide support to assist in making that decision. Because Prohibited Conduct often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be substantiated by additional direct evidence. Lack of corroborating direct evidence should not discourage a person from reporting an experience of Prohibited Conduct.

Individuals may make a report of Prohibited Conduct by reporting online at <https://www.olivet.edu/silent-witness/>, by emailing the Title IX Office at [titleix@olivet.edu](mailto:titleix@olivet.edu), or by contacting Olivet's Title IX Coordinator Tom Ascher: [tascher@olivet.edu](mailto:tascher@olivet.edu) / 815-928-5473 / 1 University Ave, Bourbonnais, IL 60914.<sup>6</sup>

#### a. Designated Reporters

Subject to the exceptions in Section VII(1) above, all Olivet employees when engaged in their employment duties, are Designated Reporters. When Designated Reporters become aware of an alleged incident of Prohibited Conduct that involves a student or employee as either the Complainant or Respondent, they are always obligated to report the information they have to the Title IX Coordinator. Designated Reporters should be prepared to report the name, date, time, location, and description of the incident (if known). They are otherwise required to maintain an individual's privacy to the greatest extent possible.

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<sup>6</sup> If any person wishes to report or make a complaint that the Title IX Coordinator or any other individual hired within the Title IX office engaged in Prohibited Conduct, such report should be made directly to Olivet's Vice President for Finance, either by letter or email. The Vice President for Finance will appoint another trained individual to take the place of the Title IX Coordinator or other official Title IX personnel for purposes of processing such report or complaint.

When the Title IX Coordinator receives a report of Prohibited Conduct, they will contact the Complainant, if known, or other individual reporting the Prohibited Conduct, to offer resources and Supportive Measures to the Complainant. The Complainant will also be advised of the option to make a complaint, if such an option is available, and any other available reporting options and resources.

A Designated Reporter who receives a report should not, under any circumstances, promise or guarantee confidentiality or attempt to resolve the report without first reporting it to the Title IX Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

**Important:** Please note that all Olivet employees must also report suspected or known child abuse (including any suspected Prohibited Conduct perpetrated against those under the age of 18) to the Illinois Department of Children and Family Services (DCFS): 800-252-2873

#### b. Time Frame for Reporting

There is no time limitation on reporting or filing a Complaint of Prohibited Conduct. However, if the Respondent is no longer subject to Olivet's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on reports and Complaints significantly impacted by the passage of time (including, but not limited to, acts that have been impacted by the rescission or revision of this Policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures or remedies, or engage in informal or formal action, as appropriate.

#### c. Anonymous Reporting

Individuals other than Designated Reporters who receive a report of Prohibited Conduct may submit reports of Prohibited Conduct anonymously. An anonymous reporter may make a report without disclosing their name, identifying the Respondent, or requesting action. Depending on the level of information included about the conduct or the individuals involved, anonymous reporting may reduce Olivet's ability to respond or take appropriate action. Moreover, Olivet will generally not be able to take disciplinary action against an individual based solely on an anonymous report. Anonymous reports can be made at: <https://www.olivet.edu/silent-witness/>

#### d. Public Awareness and Advocacy Events

Public awareness or advocacy events at which students disclose incidents of Prohibited Conduct do not initiate Olivet's Title IX obligations, including its obligation to investigate reports of Prohibited Conduct, unless the information reveals an immediate and serious threat to the health or safety of any person. Such events may, however, inform the need for campus-wide educational and prevention efforts, and Olivet may implement broad community initiatives in response to such events where appropriate.

## 2. Response to Reports of Prohibited Conduct

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will provide the Complainant with an explanation of their rights under this Policy, the process for filing a Complaint, an overview of their options for resolution of the complaint, and the Complaint Resolution Procedures. The Complainant will be informed of the range of possible outcomes of the resolution process, including potential remedial actions and possible disciplinary actions that may be taken against the Respondent upon a finding of a violation of this Policy. The Complainant will also be advised of their right to request that Olivet refrain from initiating a resolution process and their right to file a report with Olivet Public Safety and state and local law enforcement.

The Complainant will be informed of the availability of Supportive Measures regardless of whether the Complainant files a Complaint. The Title IX Coordinator will consider the Complainant's requests for Supportive Measures in accordance with Section X of this Policy.

## 3. Advisors

The Complainant and Respondent each have the right to have an Advisor of their choosing present with them at all stages under this Policy and its Complaint Resolution Procedures. If a Party does not have an Advisor, but wishes to have one, Olivet can, at its discretion, provide an Advisor at the request of the Party at any point in the Formal Process. The Advisor may be any person, including an attorney. The Parties may be accompanied by their respective Advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the Advisor may provide support and advice to the Parties at any meeting or proceeding, Olivet may establish restrictions regarding the extent to which the Advisor may participate in the proceedings. Advisors may not speak on behalf of the Parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings or proceedings.

An Advisor should plan to make themselves reasonably available, and Olivet will not unduly delay the scheduling of meetings or proceedings based on the Advisor's availability. If an Advisor fails to comply with the Complaint Resolution Procedures or established rules of decorum, Olivet reserves the right to exclude the Advisor from further participation in the process. The Title IX Coordinator or Investigator(s) (if occurrence is during the interviews) is responsible for interpreting and applying this provision.

## 4. Amnesty for Drug and Alcohol Use and Consensual Sexual Activity

The health and safety of every individual at Olivet is important. Olivet recognizes that individuals who have been drinking or using drugs (whether such use is voluntary or involuntary) or have engaged in consensual sexual relationships that are otherwise prohibited by Olivet's policies may be hesitant to report incidents of Prohibited Conduct due to fear of potential consequences for their own conduct. Olivet strongly encourages individuals to report such Prohibited Conduct.

Moreover, a Complainant, witness, Respondent, or other individual, who reports in good faith, shall not be subject to discipline under other Olivet policies for potential conduct violations that arise out of the same facts and circumstances as a report of Prohibited Conduct (such as those that prohibit drug and alcohol use or

consensual sexual activity between students) unless Olivet determines that the conduct at issue was egregious, including, but not limited to, actions that placed the health or safety of any other person at risk.

During an investigation under this Policy, conduct violations of other Olivet policies that are unrelated to the incident(s) of Prohibited Conduct may be discovered. As such instances arise, Olivet may exercise discretion in determining appropriate sanctions, which may include lesser sanctions than those stated in the relevant policy or no sanction at all. Any discretionary determination will be considered on a case-by-case basis.

Olivet may offer and encourage support, counseling, or education efforts to help students or employees who are granted amnesty to benefit the individual and the campus community.

## 5. Coordination with Law Enforcement

Olivet strongly encourages Complainants to pursue criminal action for Prohibited Conduct that may also constitute a crime.<sup>7</sup> Olivet is available to assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue criminal action to the extent permitted by law. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution are solely determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Olivet may not delay conducting its own investigation unless specifically requested by law enforcement to do so. In the event of such a specific request, Olivet will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. Olivet will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of Supportive Measures to assure safety and well-being of all Parties and the Olivet Community. Olivet will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

## X. SUPPORTIVE & OTHER INTERIM MEASURES

Olivet will offer and implement appropriate and reasonable Supportive Measures to the Parties upon notice of alleged Prohibited Conduct. At the time that Supportive Measures are offered, Olivet will inform the Complainant, in writing, that they may file a Complaint with Olivet either at that time or in the future, if they have not done so already. The Title IX Coordinator will work with the Complainant and Respondent to ensure that their wishes are considered with respect to the Supportive Measures that are offered. Olivet will act to ensure as minimal an academic or employment (if applicable) impact on the Parties as possible. Olivet will implement measures in a way that does not unreasonably burden the other Party.

Supportive Measures may include, but are not limited to:

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<sup>7</sup> Olivet specifically encourages Complainants to report all forms of "sexual violence" as defined under relevant Illinois law, including physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (Illinois Preventing Sexual Violence in Higher Education Act). <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3672&ChapterID=18>

- Referral to counseling, medical, or other healthcare services
- Referral to community-based service providers
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related support
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures that burden a Respondent must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant's access to the University's Education Programs or Activities and will not be imposed for punitive or disciplinary reasons.

For Supportive Measures, other than those that burden a Respondent, the University may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the University may continue them beyond that point.

Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially.

If a party affected by Supportive Measures qualifies as a person with a disability under applicable law, the Title IX Coordinator may consult, as appropriate, with the individual or office at the University designated to provide support to persons with disabilities to ensure that the University complies with relevant disability law in the implementation of Supportive Measures.

## 1. Review of Supportive Measures

Upon request, a Complainant or Respondent will be afforded a reasonable and prompt opportunity to seek modification or reversal of any Supportive Measure that directly affects them and will be permitted (7) business days to submit evidence in support of any changes requested. A request to do so should be made in writing to the Title IX Coordinator. The request for modification or reversal of a decision to provide, deny, modify or terminate supportive measures shall be reviewed by an impartial employee at Olivet. The impartial employee must be someone other than the person who implemented the supportive measures, have authority to modify

or reverse the decision, and determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures.

A request for modification or reversal of a Supportive Measure will be responded to with a written determination within seven (7) business days of receiving the request.

## 2. Emergency Removal

If after undertaking an individualized safety and risk analysis, the Title IX Coordinator, in consultation with the Campus Threat Assessment Team, and any other necessary personnel, determines that the Respondent poses an imminent and serious threat to the health or safety of any student or other individual in the Olivet Community, Olivet may remove the Respondent on an emergency basis from the entirety of Olivet's Education Programs and Activities or, as may be appropriate, from selected programs and activities. The length and nature of the removal will depend on the facts of the particular case. Olivet will notify the Respondent of the Emergency Removal, and the Respondent will have an opportunity to challenge the decision and its terms, including by submitting evidence, within 48 hours of the notice.

## 3. Administrative Leave

Olivet may place employee Respondents, including student employees, on administrative leave from their employment responsibilities, consistent with the Employee Handbook, during the pendency of the Informal or Formal Resolution process conducted pursuant to this Policy and its procedures.

## 4. Requirement of Non-Disclosure

It is prohibited to disclose any information about any Supportive Measures to persons other than the person to whom they apply. Supportive Measures may only be disclosed if necessary to provide the supportive measure or restore or preserve a party's access to the education program or as permitted by law.

## 5. Violations

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

# XI. RESOLUTION PROCESS

## 1. Options for Resolution of Reports

Reports of Prohibited Conduct are generally resolved either through a Support-Based Resolution, an Informal Resolution, or a Formal Resolution.

## 2. Initial Review

When the Title IX Coordinator receives any report of Prohibited Conduct, the Title IX Coordinator will initiate a review of the allegations. Information learned during the initial inquiry will inform the Title IX Coordinator's determination regarding the provision of Supportive Measures to the Parties and appropriate resolution process.

## 3. Support-Based Resolution

A Support-Based Resolution of a report of Prohibited Conduct occurs when the report does not result in the filing of a Complaint. Support-Based Resolutions will include the offering and provision of Supportive Measures intended to restore equal access to Olivet's Education Programs and Activities and to preserve a safe and non-discriminatory environment for living, working, and learning for students and employees. A Support-Based Resolution will not include a determination as to whether the Respondent engaged in Prohibited Conduct.

## 4. Complaints

A Complaint is an oral or written request to Olivet to initiate the resolution process with respect to an alleged violation of this Policy and pursuant to this Policy and its Complaint Resolution Procedure. Oral Complaints can be made to the Title IX Office in person, over the phone, or via Teams/Zoom. A written Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. For matters involving Prohibited Conduct as defined in this Policy, the Complainant must have been participating or attempting to participate in Olivet's Education Programs and Activities at the time the alleged Prohibited Conduct occurred.

### a. Consolidation of Complaints

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation where the Prohibited Conduct arises out of the same facts or circumstances. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents and a single Complainant, or multiple Complainants and multiple Respondents.

If the allegations in a Complaint involve alleged violations of another Olivet policy, Olivet has the right, within its sole discretion, to consolidate those other allegations within one investigation under this Policy and its accompanying Complaint Resolution Procedures.

### b. Dismissal of Complaints

After the Complaint has been submitted (orally or in written), including during the initial inquiry, investigation, or resolution process, a Complaint may be dismissed under the following situations:

- Olivet is unable to identify the Respondent after taking reasonable steps to do so;

- the Complainant voluntarily withdraws some or all of the allegations in the Complaint, in, and Olivet determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, even if proven, would not constitute Sex Discrimination under Title IX or other Prohibited Conduct under this Policy;
- the Respondent is not participating in Olivet's Education Programs or Activities and is not employed by Olivet; or
- Olivet determines the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination or other Prohibited Conduct under this Policy. Before dismissing the Complaint, Olivet will make reasonable efforts to clarify the allegations with the Complainant.

Upon any dismissal, the Title IX Coordinator will promptly, and simultaneously, send written notice of the dismissal and the rationale for doing so to the Complainant (if no Notice of Allegations has been issued) or simultaneously to the Parties (if the Respondent has received a Notice of Allegations). The Title IX Coordinator shall notify the Parties, as applicable, that the dismissal may be appealed pursuant to the appeal bases and procedures set forth in Section XIII Appeals, below.

When a Complaint is dismissed, the Title IX Coordinator shall continue to offer Supportive Measures as set forth in Section X to both Parties as appropriate.

After dismissal under this Policy, if the conduct, as alleged, could violate another Olivet policy, the Title IX Coordinator may transfer the matter, and all information related to it, to the appropriate Olivet office for assessment and potential further action.

## 5. Notice of Allegations

Upon receipt of a Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the Complaint and commencement of the resolution process pursuant to this Policy and its Complaint Resolution Procedures. Such notice will:

- identify the Complainant and the Respondent;
- specify the alleged Prohibited Conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Complaint;
- identify the Investigator or the facilitator of Informal Resolution;
- inform the Parties that they will each have the opportunity to present relevant and not other impermissible evidence to a trained, impartial Investigator as part of the resolution process;
- inform the Parties that they will each have equal opportunity to access the relevant and not otherwise impermissible evidence and a final investigation report as part of the resolution process;
- inform the Parties of their right to have an Advisor of choice, who may be, but is not required to be, an attorney, at all stages of the resolution process who may accompany the respective Party to meetings and proceedings;
- inform the Parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation;



- explain that Olivet prohibits knowingly making false statements or submitting false information during the resolution process;
- specify that the Respondent is presumed not to have violated the Policy unless and until a determination is made at the end of the Complaint Resolution Process; and
- include any other information required by federal, state, or local law.

If, at any point prior to the resolution of the Complaint, the Title IX Coordinator determines that there are additional allegations of Prohibited Conduct not included in the original notice that should be investigated, the Title IX Coordinator must provide the Parties with an amended notice of additional allegations.

## 6. Informal Resolutions

At any time prior to the completion of any appeal as specified in the Appeal section of whether alleged conduct violated this Policy, the Parties may seek to resolve a report of Prohibited Conduct through Informal Resolution. Participation in Informal Resolution is voluntary; the Title IX Coordinator will neither pressure nor compel either Party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms. Informal resolution is not allowed in cases where a student Complainant accuses an employee Respondent of Prohibited Conduct.

Before the Title IX Coordinator approves the Informal Resolution process or the terms of any Informal Resolution, the Title IX Coordinator will determine that the Title IX Office has sufficient information about the matter to make these decisions. The Parties are strongly encouraged, although not required, to consult with their Advisors during the Informal Resolution process.

Prior to commencing the Informal Resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the allegations if such notice has not already been provided in writing.
- Describes the parameters and requirements of the informal resolution process to be utilized.
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party, provided such person is not the investigator or adjudicator).
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Complaint.
- Explains that either party has the right to withdraw from informal resolution and initiate or resume the investigation and adjudication process.

- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.
- Explains potential terms that may be requested or offered in the informal resolution, including restrictions on contact and restrictions on the Respondent's participation in one or more of the University's Education Programs or Activities.
- Explains that an informal resolution agreement is binding only on the parties.
- Describes which records will be maintained and shared.
- Explains if the University resumes its investigation and adjudication process, the University will not access, consider, disclose, or otherwise use information, including records, obtained solely through the informal resolution process as part of the investigation or determination of the Complaint.
- Explains that, if the University resumes its investigation and adjudication process, the person facilitating informal resolution could serve as a witness for purposes other than providing information obtained solely through the informal resolution process.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

If the Informal Resolution process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to this Policy. For this reason, the Investigator will not participate in Informal Resolution. The Title IX Coordinator or designated Informal Resolution facilitator will oversee the Informal Resolution process and have access to all Institute records in the matter, including any records or reports prepared during an investigation. While the Parties are engaged in Informal Resolution, any pending investigation will pause, and the time spent pursuing Informal Resolution will not count toward the presumptive time frame for completing the investigation.

The Title IX Coordinator or Designee will consult separately with both Parties as part of the Informal Resolution process. The Parties will have an opportunity to recommend what they believe the appropriate terms and conditions of an Informal Resolution agreement should be. In support of their position, Parties are encouraged to submit impact/mitigation information they believe the Title IX Coordinator should consider in evaluating any term or condition.

Informal Resolution agreement terms may include, but are not limited to, any sanctions or remedies that could be imposed as a result of a finding following an investigation under these proceedings.<sup>8</sup> Additional terms may include:

- Impact Letter

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<sup>8</sup> If the Respondent agrees to an Informal Resolution agreement that provides for a suspension, withdrawal, dismissal, or expulsion from Olivet, there will be a notation on the student's record consistent with Olivet's policy.

- Apology Letter
- Counseling
- Mentoring
- Discipleship
- Directed Study<sup>9</sup>
- Reflection Paper
- Other forms of restorative action
- No Contact Agreement

Both Parties must agree to the terms in writing before an Informal Resolution agreement becomes effective. At any time before a written agreement is effective, the Complainant or the Respondent may withdraw from the Informal Resolution process, and the Title IX Coordinator may also, at their discretion, terminate the process.

If both Parties are satisfied with the recommendation of the Title IX Coordinator or Designee, the matter will be resolved with a written agreement. The Title IX Coordinator or Designee will provide each Party, separately, with a copy of the proposed agreement for the Party to review, sign, and return. If both Parties return the signed written agreement to the Title IX Coordinator or Designee the terms of the agreement will become effective, and the Title IX Coordinator or Designee will promptly notify both Parties in writing that the agreement is final. Once the agreement is effective, the Parties may not appeal the agreement and the Complainant may not seek to refile the Complaint absent new allegations of Prohibited Conduct. The Parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to proceedings under the Student Life Handbook or the Employee Handbook.

If the process is terminated and the matter is resolved pursuant to the Formal Resolution process, neither the Title IX Coordinator/Informal Resolution facilitator nor the Parties will disclose to the Investigator, Decision Maker, or appellate reviewers either the fact that the Parties had participated in the Informal Resolution process or any information learned during the process.

## 7. Formal Resolutions

The Formal Resolution process is guided by provisions of this section of this Policy and by the Complaint Resolution Procedures in Appendix A, which outline the procedures for resolution of reports of Prohibited Conduct under this Policy. The Formal Resolution process is overseen by the Title IX Coordinator and will be conducted in a prompt and equitable manner, pursuant to the time frames set forth in Section XIV. Throughout the Formal Resolution process, all responsible personnel will maintain a commitment to impartiality.

### a. Evidentiary Standard and Burden of Proof

Until a finding is made under this Policy, the Respondent is presumed not responsible for allegations of Prohibited Conduct. A Respondent will be found responsible for violating this Policy only when such a finding is

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<sup>9</sup> Directed study may be conducted by a Faculty member, ranging from educational opportunities revolving around Policy Definitions to deeper educational opportunities that may require curriculum-based learning through discussion, papers, and accountability, etc.

supported by the Preponderance of the Evidence (as defined above). Olivet, not the Parties, has the burden of proof and the burden of gathering evidence sufficient to reach a finding of responsibility.

## 8. Witness Role and Participation in the Investigation

Employees (including, but not limited to, Full-Time employees, Part-Time Professionals, and Adjunct Faculty, but not including the Complainant and Respondent) are required to cooperate with and participate in Olivet's response to reports of Prohibited Conduct and the Complaint Resolution Procedures. If an employee has a conflict of interest or other reason why he or she cannot participate, the employee must notify the Title IX Coordinator in writing and provide the basis for the inability to cooperate.

Student witnesses and witnesses from outside the Olivet community cannot be required to participate but are encouraged to cooperate with Olivet's investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. The Title IX Coordinator will take appropriate steps to ensure the security/privacy of remote interviews.

## XII. SANCTIONS & REMEDIES

### 1. Sanctions

Sanctions for students who are found to have violated this Policy include eviction from campus housing, dismissal, expulsion, disciplinary probation(s), warning(s), community service, fines, formal reprimand, warning status, withdrawal, loss of privilege, restitution/reconciliation, developmental/educational assignments, referral for counseling and/or assessment, or an agreement governing the student's behavior.

Sanctions for employees (including faculty) who are found to have violated this Policy include a letter of warning, official reprimand, probation, referral to a required counseling program, suspension from employment with pay, suspension from employment without pay, termination from employment, or training on Prohibited Conduct.

All Respondents are expected to comply with the assigned sanctions within the timeframe specified by the Final Investigation Report, including the Appeal Panel if applicable. Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, including suspension, expulsion, and/or termination from Olivet. Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

### 2. Remedies

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional remedies for the Complainant and/or the Olivet community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

### 3. Disclosure of Final Determination

Pursuant to 34 CFR § 99.31(a)(14), if the Investigator finds that the Respondent violated this Policy by committing acts of Sexual Assault or Sexual Violence or other crimes of violence under Section VIII, Olivet has discretion to disclose to a third party, without the consent of the student, the final results of the investigation under this Policy and Complaint Resolution Procedures if 1) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and 2) with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. Olivet will not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

## XIII. APPEALS

Both Parties may appeal the written decision of an adjudication, or a Title IX Coordinator's dismissal of a Complaint or any allegations therein or the determination of responsibility following an investigation on the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made;
- The Title IX Coordinator or Investigator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome; or
- The Sanctions or Remedies imposed are disproportionate with the violation(s).

No other grounds for appeal are permitted.

A Party may commence an appeal by notifying the Title IX Coordinator of their desire to appeal and by submitting a written statement to the Title IX Coordinator within five (5) business days of the issuance of the final determination of responsibility or the dismissal of the Complaint. The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

The appeal statement is limited to 2,500 words. Failure to submit an appeal and statement within the five (5) business days or any approved extension constitutes waiver of the right to appeal.

A copy of the appeal statement will be provided to the other Party, who, within five (5) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing Party's statement and the specific facts asserted by the appealing Party. The response is limited to 2,500 words.

The Title IX Coordinator will submit the appeal and response, if any, to the appellate panel, ("Appeal Panel") which will be comprised of individuals appointed by the Title IX Coordinator. The panel members will not be the Title IX Coordinator, Investigator, or any Title IX team members assigned to the case that is being appealed. The Appeal Panel will establish a reasonable schedule for issuing a written decision, typically no later than ten (10) business days after receipt of the non-appealing Party's submission or the time for submission has expired.

The Appeal Panel may affirm the decision or sustain any of the above-specified grounds for appeal, in which case the Appeal Panel may:

- reverse a decision or finding;
- change a sanction or remedy;
- remand a decision of dismissal to the Title IX Coordinator;
- remand a case to the original Investigator for clarification or reconsideration consistent with the Appeal Panel's decision, if doing so would assist with a timely, practicable, and efficient resolution of the case; or
- remand a case for a new or additional investigation, followed by an adjudication consistent with these procedures, to either the original Investigator or to a new Investigator.

If the Appeal Panel reverses a finding of not responsible and finds the Respondent responsible for Prohibited Conduct, the Appeal Panel must also determine appropriate sanctions and remedies in their written decision. If the Appeal Panel calls for the admission of new evidence, if possible, it will remand the case to the Investigator from which it originated for review.

The decision of the Appeal Panel will be final and binding on all Parties.

## XIV. TIME FRAMES

Olivet seeks to resolve all reports of Prohibited Conduct pursuant to the following time frames

- Informal Resolution: typically completed within 30-60 calendar days.
- Formal Resolution: typically completed within 90-120 calendar days.

The Title IX Coordinator may extend the time frames for good cause. Good cause for extension may include the unavailability of the Parties or their Advisors, concurrent law enforcement investigation, the complexity of the allegations, or other extenuating circumstances. Any extension, and the reason(s) therefore, will be shared with the Parties, in writing.

## XV. TRAINING

The Title IX Coordinator, Investigators, Appeal Panel members, Informal Resolution facilitators, employees, and students shall, at a minimum, receive all training and education required pursuant to Title IX, the Violence Against Women Act, and Illinois State Law.

## XVI. RECORD KEEPING

Olivet will maintain the following records:

- Records of reports of Prohibited Conduct under this Policy and any actions taken in response to the reports, including the issuance of supportive measures and educational efforts;
- Records related to each Formal Resolution process;
- Records related to each Informal Resolution process;
- Materials used to train and educate the Title IX Coordinator, Investigator, Appeal Panel members, and Facilitators of Informal Resolution as well as materials used to train and educate the Olivet community.

This information will be used by the Title IX Coordinator to monitor patterns and areas of concern. In general, records will be kept for seven (7) years after the date the reported incident is resolved. Certain records may be retained longer in Olivet's sole discretion, including for active employees.

## XVII. CONFLICTS OF INTEREST

Olivet personnel who administer this Policy and the related Complaint Resolution Procedures must be free of conflicts of interest and bias that could affect the outcome of a particular report or Complaint. All Olivet personnel involved in a particular matter are required to determine whether they have a conflict of interest or bias and, if so, report the issue to the Title IX Coordinator so that a different person may be assigned to the matter. If any Party believes that Olivet personnel have a conflict of interest or bias with respect to a particular report or Complaint, the Party should report the concern to the Title IX Coordinator within three (3) business days.

## XVIII. POLICY REVISIONS

This Policy succeeds any previous procedures addressing Sex Discrimination, Sex-Based Harassment, and related Retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. Olivet reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this Policy, this Policy will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create any legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.



## Appendix A: Procedures for the Resolution of Complaints of Prohibited Conduct (“Complaint Resolution Procedures”)

### **I. SCOPE OF THESE PROCEDURES**

The procedures set forth below will guide the Formal Resolution process, which includes the investigation and adjudication of Complaints of Prohibited Conduct, as defined in Section VIII of the Policy.

### **II. INITIATION OF THE INVESTIGATION**

An investigation under these procedures will be initiated at the Title IX Coordinator’s direction after receipt of a Complaint and the issuance of a Notice of Allegations to the Parties.

### **III. THE INVESTIGATION**

#### **1. Overview of the Investigation**

The investigation is a neutral evidence-gathering process. During the investigation, the Parties will have an equal opportunity to be heard, to submit relevant evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either Party. Olivet may continue an investigation without the participation of any Party.

#### **2. The Investigator**

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator may be an Olivet employee or an external party.

#### **3. Evidence Collection**

##### **a. Testimonial Evidence Collection: Investigative Interviews**

Testimony is evidence. Thus, throughout the investigation, the Investigator will endeavor to interview the Parties and other individuals (witnesses) who have information that is relevant or related to the allegations of the Complaint, including fact and expert witnesses identified by the Parties. The Investigator will provide written notice of the date, time, and location of the interview, with sufficient time for the participants to prepare. Investigative interviews may be conducted in person, or via telephone or video conference. Following the investigative interview, the Investigator will prepare a full written summary of the interview (“Interview Summary”).

##### **b. Non-Testimonial Evidence Collection**

During the investigation, the Investigator will gather other available evidence and information that is related to the allegations of the Complaint, including, without limitation, electronic and other records of communications between the Parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Records

The Investigator will maintain records of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator will also maintain a record of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These records will be made a part of the evidence file.

#### **4. Evidence File and Investigation Reports**

At the conclusion of the fact gathering process, the Investigator will prepare an Evidence File and Investigation Report.

a. The Evidence File

The Evidence File will include all permissible evidence that is relevant to the allegations in the Complaint, including the interview summaries, evidence provided by the parties, and evidence gathered by the investigator, including both inculpatory and exculpatory evidence.

b. Investigation Report

Upon conclusion of the evidence gathering phase of the investigation, the Investigator will produce an Investigation Report that summarizes the allegations, the relevant facts, and all relevant information gathered during the investigation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). The Investigation Report will be provided to the Title IX Coordinator and shared with the Parties (to the extent permitted by FERPA or other applicable law), along with the Evidence File. Each party will have the opportunity to provide in writing to the Investigator or Title IX Coordinator their comments on the Preliminary Investigation Report identifying any factual inaccuracies or misunderstandings and any additional questions to suggest that the Investigator ask of the other party or other witnesses (along with an explanation of why the party believes the question(s) would elicit relevant information that has not already been sought or obtained by the Investigator) within 5 calendar days of receipt of the Preliminary Investigation Report. The Investigator will address any identified factual inaccuracies or misunderstandings reported by either party as appropriate and determine whether to ask any additional questions of either party or any witness.

c. Appointment of Adjudicator and Notification to the Parties

The Title IX Coordinator will then appoint an adjudicator whose responsibility it will be to adjudicate the Complaint. The adjudicator may be the investigator or the Title IX Coordinator themselves, or other designee selected by the Title IX Coordinator. Within three (3) business days of being notified about the adjudicator's identity, either Party may raise concerns, if any, about bias or conflict of interest to the Title IX Coordinator or, if the concerns relate to the Title IX Coordinator as adjudicator, to the Vice President for Finance.

The Investigation Report and the Evidence File will be transmitted to the adjudicator. The adjudicator will promptly send written notice to the Parties notifying the Parties of the adjudicator's appointment; setting a deadline for the Parties to submit a written response to the Investigation Report and Evidence File, which shall not be sooner than seven (7) business days from the date the investigator transmitted the Investigation Report.

d. Response to the Investigation Report

Each party will have the opportunity to provide a written response to the Investigation Report, which must include:

- To the extent the Party wishes to respond to any aspect of the Investigation Report or Evidence File, any such response.
- A statement as to whether the Party contends the credibility of the other Party or any witness is in dispute; if so, how such credibility dispute is relevant in evaluating any of the allegations in the Complaint.
- A list of questions the Party contends should be posed to the other Party and any witnesses.
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration.
- Argument regarding whether any of the allegations in the Complaint are supported by a preponderance of the evidence.
- Argument regarding whether any of the allegations in the Complaint constitute Prohibited Conduct.

While the Party may receive assistance in preparing the written response, the written response must be submitted and signed by the Party themselves or someone with legal authority to act on their behalf.

e. Meetings with Parties and Witnesses

After reviewing the Parties' written responses to Investigation Report, the adjudicator will meet separately with each Party to ask questions, including questions posed by the other Party, concerning the Party's written response, the Investigation Report, and/or the evidence collected during the investigation, including questions that may bear on credibility. The adjudicator may also meet with specific witnesses whose credibility is in dispute, and whose testimony is potentially relevant in evaluating any allegations in the Complaint, to pose questions that may bear on credibility.

When a Complaint includes Sex-Based Harassment allegations involving a student Complainant or student Respondent, the individual meetings will be video and/or audio recorded. The adjudicator will provide copies of

the recordings, or transcripts of the recordings, to the Parties. Each Party will have seven (7) days to review the recordings or transcripts and propose follow-up questions to be posed to the other Party and/or witnesses. The adjudicator will then meet promptly with parties and/or witnesses to pose follow-up questions, as deemed appropriate by the adjudicator.

The adjudicator will screen questions submitted by the Parties to ensure they are clear, relevant, and not harassing, and will exclude questions and evidence that are inadmissible. The adjudicator will give a Party an opportunity to clarify or revise a question that the adjudicator has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises the question, the question will be posed.

#### f. Subjection to Questioning

In the event a Party or witness who was interviewed during the investigation declines to meet with the adjudicator or respond to questions that have been deemed relevant and not impermissible, the adjudicator may consider the individual's statements, although the adjudicator must consider whether the individual's failure to meet and/or respond to questions about their credibility should affect the weight to be given to such statement. The adjudicator may choose to place less or no weight upon the individual's prior statements, provided that the adjudicator may not draw an inference about whether Sex Discrimination or other Prohibited Conduct occurred based solely on a Party's or witness' refusal to respond to questions.

#### g. Deliberation and Determination

After meeting with each Party and any witnesses whose credibility is in dispute, the adjudicator will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The adjudicator will take care to exclude from consideration any evidence that the adjudicator determines is inadmissible. The adjudicator will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint.

In the event the adjudicator determines that the Respondent is responsible for violating this Policy, the adjudicator will, prior to issuing the Written Determination, consult with an appropriate University official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The adjudicator will also, prior to issuing the Written Determination, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Support Measures or other remedies will be provided to the Complainant and other persons, as appropriate.

#### h. Written Determination

Based on the information gathered during the investigation, including any facts, documents, statements, or other comments obtained during the review period of the Investigation Report and adjudication, the adjudicator

will prepare a Written Determination that includes the adjudicator's credibility determinations, a finding as to whether the University's Policy has been violated in the matter by the Respondent, and the rationale for these determinations. If the Complaint presents more than a single allegation of misconduct, a finding will be made separately as to each allegation. The Written Determination will also include the discipline determined by the appropriate University official. The Written Determination will include a description of the University's process and grounds for appeal and whether the Parties or other persons will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator.

The Written Determination will be simultaneously provided to the Parties and their Advisors in electronic format.

#### **IV. EVIDENTIARY CONSIDERATIONS**

##### **1. Relevance**

Evidence is relevant when it is related to the allegations of Sex Discrimination or other Prohibited Conduct under investigation and may aid an Investigator in determining whether the alleged conduct occurred. Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

###### **a. Prior Sexual History of Complainant**

Evidence and questions about the Complainant's sexual interests or prior sexual conduct are impermissible unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual conduct with the Respondent and are offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

###### **b. Prior or Subsequent Conduct**

Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this Policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

###### **c. Medical and Mental Health Condition, Treatment, or Diagnosis**

A party's or witness's medical or mental health diagnosis or treatment records maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the individual are not permissible unless the party or witness provides voluntary, written consent for the use of such evidence in Olivet's Complaint Resolution Procedures.

d. Privilege and Confidentiality

The Investigator will not allow, rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege or confidentiality, unless the person holding such privilege or right to confidentiality has waived the privilege or confidentiality.

**V. Appeals**

See Section XIII of the Policy.

## Appendix B: Resources for Support

### Resources On Campus

#### **Title IX Coordinator**

Tom Ascher  
Director of Human Resources  
Phone 815-928-5473  
[tascher@olivet.edu](mailto:tascher@olivet.edu)

#### **Deputy Title IX Coordinator**

Dr. Jason Stephens  
Vice President of Student Development  
Phone 815-939-5333  
[jbstephens@olivet.edu](mailto:jbstephens@olivet.edu)

**ONU Counseling Services:** 815-939-5256 (Confidential Resource)  
*Services are free and confidential.*

**ONU Health Services:** 815-939-5256 (Confidential Resource)

**Department of Public Safety:** 815-939-5265  
<https://www.olivet.edu/public-safety-and-parking>  
[publicsafety@olivet.edu](mailto:publicsafety@olivet.edu)

**Student Financial Services:** 815-939-5245  
<https://www.olivet.edu/student-financial-services>  
[studentfinance@olivet.edu](mailto:studentfinance@olivet.edu)

### Local Services and Resources in Bourbonnais Area (Confidential Resources)

Call 911 as soon as possible if someone is in immediate danger or needs immediate medical attention. If you believe that you have experienced or witnessed Sexual Harassment and Sexual Violence, you may file a police report directly with your local police department, you may seek assistance from Olivet's Department of Public Safety or Title IX Coordinator to make a police report, or you may decline to notify authorities. Olivet's Department of Public Safety may be reached anytime by calling 815-939-5265, by emailing [publicsafety@olivet.edu](mailto:publicsafety@olivet.edu), or in person in the Lower Level of Ludwig.

**Riverside Medical Center** – Emergency Room: 815-935-7500  
350 N. Wall St., Kankakee, IL 60901  
<https://www.riversidehealthcare.org/>

**Presence St. Mary's Hospital** – Emergency Room: 815-937-2100  
500 W. Court St., Kankakee, IL 60901  
<http://www.presencehealth.org/presence-st-marys-hospital-kankakee>

**\*\*Both hospitals offer free medical examinations and have SANE Programs/nurses\*\***  
<https://clovealliance.org/options-sexually-assaulted/>

### **Bourbonnais Police Department**

*Emergency? Call 911*

Non-Emergency: 815-937-3579

[police@villageofbourbonnais.com](mailto:police@villageofbourbonnais.com)

700 Main Street NW, Bourbonnais, IL 60914

<https://www.villageofbourbonnais.com/contact-us/police-department>

### **Clove Alliance** – formerly Kankakee County Center Against Sexual Assault (KC-CASA)

*24-Hour Hot Line: 815-932-3322*

Office: 815-932-7273

[info@clovealliance.org](mailto:info@clovealliance.org)

1440 West Court Street, Kankakee, IL 60901

<https://clovealliance.org/>

### **Harbor House**

*24-Hour Hot Line: 815-932-5800*

Office: 815-935-5814; [harbor@harborhousedv.org](mailto:harbor@harborhousedv.org)

Address: PO Box 1824, Kankakee IL, 60901

[www.harborhousedv.org/index.html](http://www.harborhousedv.org/index.html)

## State and National Resources

### **ICASA – Illinois Coalition Against Sexual Assault**

217-753-4117

100 North 16th St., Springfield, IL 62703

<https://icasa.org/>

### **Illinois Domestic Violence Act Information**

<https://illinoisattorneygeneral.gov/women/victims.html>

### **Illinois Legal Aid Online**

[https://www.illinoislegalaid.org/?contentID=7163&fuseaction=home.dsp\\_content#](https://www.illinoislegalaid.org/?contentID=7163&fuseaction=home.dsp_content#)

### **Immigration Advocates Network:**

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

### **National Domestic Violence Hotline**

1-800-799-7233

<https://www.thehotline.org/>

### **National Suicide Prevention Life Line**

1-800-273-TALK (8255)

<https://suicidepreventionlifeline.org/>

### **RAINN – Rape, Abuse, & Incest National Network**

1-800-656-HOPE (4673)

<https://www.rainn.org/>

### **U.S. Citizenship and Immigration Services:**

<https://www.uscis.gov/about-us/find-a-uscis-office/field-offices>