

WORKPLACE HARASSMENT AND/OR DISCRIMINATION COMPLAINT PROCEDURE

I. STATEMENT OF POLICY

Millikin University is committed to providing a campus culture that respects and values diversity and expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national/ethnic origin, age, sexual orientation, gender identity or expression, disability, genetic information, marital status, military/veteran status or on any other basis prohibited by applicable state or federal law, in its educational programs, activities, admission, or employment policies. Improper interference with the ability of Millikin's employees to perform their expected job duties is not tolerated.

Millikin University is also committed to providing an academic and work environment free from sexual misconduct, as well as unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment. Sexual misconduct is unlawful and will not be tolerated.

SCOPE

This policy applies to all employees, applicants, guests, students and other persons visiting Millikin's premises or while acting on behalf of Millikin.

II. TITLE IX AND DISCRIMINATORY HARASSMENT

Title IX of the Education Amendment of 1972 is a federal law intended to end gender based discrimination in all areas of education. It applies to non-discrimination based on sex/gender to all recipients of federal funds and applies to issues of program equity, such as in athletics, and also to sexual misconduct, including sexual discrimination, sexual harassment, and sexual violence.

Millikin University is obligated to respond promptly, thoroughly and equitable when it learns of any form of possible sex/gender discrimination. This obligation remains even in the absence of a formal complaint. The Title IX Coordinator is the compliance officer who will coordinate the University efforts of resolving complaints of sex/gender discrimination, harassment and sexual misconduct and carry out the responsibilities under Title IX. The Title IX Coordinator at Millikin University is Diane Lane, Director of Human Resources, and can be reached at:

Title IX Coordinator
Diane Lane; Director, Human Resources
Shilling Hall, Room 212
(217)362-6416

dlane@millikin.edu

The Title IX coordinator is authorized to designate Deputy Title IX Coordinators to investigate discrimination and harassment complaints as deemed appropriate.

Title IX Deputy Coordinators:

For students:

Raphaella Prange 217-424-6395
Dean, Student Development

For faculty, staff, visitors, or others:

Tammy Maxwell 217-362-6416
Asst. Director, Human Resources

File an electronic report

TitleIX@millikin.edu

File an anonymous report

Campus Conduct Hotline 866-943-5787

For disability discrimination:

Carrie Pierson 217-424-3999
Director, Student Success/ADA Coordinator

III. **DEFINITIONS**

Sexual Misconduct is a broad term encompassing any unwelcome sexual contact or activity that occurs without the direct and verbal consent of any individual involved. Millikin University recognizes that individuals of any sex, sexual orientation or gender identity may be victims of sexual misconduct. Sexual misconduct offenses covered by this policy include, but are not limited to, the following offenses:

1. **Sexual Harassment**
2. **Non-Consensual Sexual Contact (or attempts to commit same)**
3. **Non-Consensual Sexual Intercourse (or attempts to commit same)**
4. **Sexual Exploitation**

1. Sexual Harassment

Sexual Harassment is a form of sex discrimination and is defined as:

- Unwelcome,
- Sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator or a Deputy Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it take the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational and/or employment, social and/or residential program.

Quid Pro Quo Harassment is:

- unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual or sex-based nature
- by a person having power or authority over another constitutes sexual harassment when
- Submission to such conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence, intimate partner violence, stalking; gender-based bullying.

Some examples of possible Sexual Harassment include, but not limited to:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to

avoid the sender on campus and in the residence hall in which they both live.

- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.

1. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object or body part, by one person upon another, without consent, or by force. Sexual touching also includes an individual making someone else touch him or her with, or on, any body parts.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

2. Non-Consensual Sexual Intercourse is defined as rape, sexual assault, unwanted penetration of parts of another person, or subjecting a person to sexual intercourse against her/his will or without her/his consent. This includes sexually motivated penetration of any kind by any object, however slight.

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

3. Sexual Exploitation occurs when an individual takes non-consensual or sexual advantage of another individual for the purpose of benefitting anyone other than the individual being exploited. Sexual exploitation also includes behavior that is not otherwise by one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;

- Non-consensual digital, video or audio-recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Prostitution;
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

GENDER-RELATED VIOLENCE

In addition to the offenses of sexual misconduct discussed above, Title IX also governs gender-related violence. Gender-related violence is defined by any action (sexual or not) that is motivated by the gender-identity of the victim. Gender-related violence includes domestic violence, dating violence, and stalking.

- **Domestic Violence** – Any act of abuse or violence by a family or household member. "Abuse" could be physical abuse, harassment or intimidation of a dependent.
- **Dating Violence** – Abuse or violence between partners or former partners to maintain control over the other. Violence can be between same sex or different sex partners and does not require sexual intimacy.
- **Stalking** – repeated harassment, intimidation or threats that would cause a reasonable person to fear for their safety. This could be done by telephone, mail, electronic communication, social media, or other action, device, or method.

ADDITIONAL APPLICABLE DEFINITIONS:

Complainant – The reporting party that is filing a complaint with the University.

Respondent – The person responding to the complaint.

Consent - is defined as clear, knowing, and voluntary words or actions, that give permission for specific sexual activity – an unforced "YES" to the sexual act in question.

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given in words or actions, as long as those words or actions create a mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent to any one forms of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be, or should know to be, in incapacitated constitutes a violation of this policy.
 - A person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, is considered incapable of giving consent. Specifically, incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.

Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of a person's participation in that protected activity.

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

- Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. (**NOTE:** There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.)

Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another

Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity

Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that is not speech or conduct otherwise protected by the 1st Amendment

OTHER OBJECTIONABLE CONDUCT

Objectionable conduct that does not rise to the level of gender discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under this policy, but may be addressed through other remedial actions, education and/or conflict resolution mechanisms. For assistance, employees should contact Human Resources and students should contact the Dean of Student Development.

IV. CONSENSUAL RELATIONSHIPS Involving Employees & Students

Employees with direct supervisory, teaching, or evaluative responsibility over other employees or students must recognize and respect the ethical and professional boundaries that exist in such situations. There is an inherent imbalance of power and potential for exploitation in such relationships. These dangers include:

- A conflict of interest may arise if the employee in a leadership position must evaluate the student's or employee's work or make decisions affecting the employee or student.
- The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees.
- A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

Therefore, consensual sexual and amorous relationships will be considered unethical and are prohibited between a student and any member of the faculty or administrative staff who teaches, supervises, evaluates, or otherwise is in a position to exercise power or authority over the student. Efforts by members of

the faculty or administrative staff to initiate these relationships are also prohibited.

Romantic or sexual relationships between a supervisor and a subordinate are also considered inappropriate. In the event that such relationships do occur, Millikin University has the authority to transfer any involved employee to eliminate the supervisory authority of one over the other. Such action by the University is a proactive and preventative measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

V. DUTY TO REPORT

All Millikin employees (faculty, staff, and administrators) are considered mandated reporters and have a duty to promptly report any gender-based discrimination, gender-based harassment, gender based violence or retaliation that they observe, receive a report of, or otherwise obtain information about such conduct when they receive a report of such conduct, to the Title IX Coordinator or a Deputy Coordinator. This includes employees who may have a professional license requiring confidentiality if they are not employed by the University in that professional role. Once individuals receive a report, it is considered official notice to the University. Failure to cooperate with, or otherwise interfere with, an investigation conducted by, or on behalf of, the University could lead to disciplinary action, up to and including, termination, expulsion, removal from campus and/or cancellation of contract.

Anyone who has experienced an incident of discrimination or harassment but does not desire action by the University and would like to speak to a "CONFIDENTIAL" resource, should contact Growing Strong Sexual Assault Center (who serves as Millikin's CONFIDENTIAL reporting resource) at 217/428-0700.

In addition, all faculty and staff who become aware of an alleged sexual offense involving a minor (under the age of 17) must report that information to the Illinois Department of Children and Family Services (DSFS). You may contact the hotline at 1-800-25-ABUSE or refer to the DCFS website at www.state.il.us/dcfs/FAQ/faq_can.shtml.

VI. REPORTING PROCEDURES

Individuals who experience any job-related harassment or believe that they have been treated in an unlawful, discriminatory manner, are encouraged to promptly notify the alleged perpetrator verbally or in writing that his/her conduct is unwelcome. Regardless of this notice, all employees, students, applicants, volunteers, vendors and guests are strongly encouraged to report any incidents of gender-based discrimination or harassment. Reports may be made orally or in

writing and such reports should be made to the Title IX Coordinator or a Title IX Deputy Coordinator. Reports may also be made to any Human Resources professional, Dean, Director, Department Chair, Supervisor, Provost/Vice President, Head Coach, University Director/Chief of Police or Assistant Director/Deputy Chief. Anyone receiving reports of gender-based discrimination, harassment or misconduct are required to forward those reports to the Title IX Coordinator, Diane Lane, Director of Human Resources, who will ensure prompt response and initiate the preliminary investigation. She can be reached at (217)362-6416 or dlane@millikin.edu.

You can also make a confidential, electronic report via the email address TitleIX@millikin.edu. Reports submitted through this email address will be responded to within twelve (12) hours.

In addition, the University participates in a service called the **Campus Conduct Hotline** which accepts anonymous complaints 24 hours a day, seven days a week at **(866) 943-5787** toll-free.

VII. **INTERIM PROTECTIVE MEASURES**

Upon receipt of a report of sex/gender-based violence concerns, including sexual assault, sexual harassment/misconduct, domestic/dating violence, or stalking, the University shall inform the complainant about:

- available counseling, medical and other support services;
- the option to avoid contact with the respondent during the pendency of the investigation;
- relocation of office and/or parking;
- change of on-campus phone number; and
- their right to file a criminal complaint.

Additionally, the University may make a preliminary, non-binding assessment of the information contained in the report (and any supplement to the report) to determine whether that information, if true, would pose an imminent threat of immediate harm, then, consistent with the grievance procedures identified below, temporary measures may be imposed against the respondent to mitigate the threat during the pendency of the investigation. The need for such temporary measures shall be reevaluated on a regular basis during the pendency of the investigation to ensure the need for such temporary measures remain present.

KNOW YOUR RIGHTS

Under Title IX, both the complainant and the respondent have equal rights to:

- Be accompanied by an advocate of their choice during the meeting/hearing for the purpose of support and/or advice
- Present evidence or have witnesses speak on their behalf
- Have timely access to information that will be used at the investigation/hearing
- Be present at pre-hearing meetings that provide an opportunity to present their testimony
- Receive the final decision in writing at the same time as the other party without being required to sign a non-disclosure agreement
- Have the right to appeal a final decision

VIII. **INVESTIGATION PROCESS**

- A. Purpose of the investigation. The purpose of the investigation is to evaluate the allegations of sex/gender based harassment, discrimination or misconduct, formulate a response that addresses the facts as they are determined, and follow up to ensure that the necessary action steps are completed.
- B. Intake/Initial Assessment. A complaint can be made to a "Responsible Employee" or directly to the Title IX Coordinator (or deputy coordinator). Upon receipt of notice, the Title IX Coordinator (or deputy coordinator) will schedule an intake meeting with the complainant to provide the complainant with a general understanding of the policy and to identify forms of support or immediate interventions available to the complainant (no contact, etc.)

After analyzing the information, the Title IX Coordinator (or deputy coordinator) will determine whether it is more likely than not (by use of the preponderance of the evidence standard) that the alleged conduct occurred and how the complainant wishes to proceed (informal resolution or formal complaint). It is important to note that the law may require the University to investigate even when a complainant does not wish to pursue informal resolution or formal investigation. The Title IX Coordinator (or deputy coordinator) will take care in these instances to protect the claimant's personal information as much as possible, although confidentiality cannot be guaranteed. Moreover, the ability of the University to investigate the complaint may be limited when the complainant refuses to participate in the investigation or wishes to remain anonymous. As necessary, the University reserves the right to initiate an investigation without a formal complaint by the victim/complainant.

Depending on the facts of the case, the Coordinator (or deputy coordinator) may determine that there is a reasonable cause to believe

the policy has been violated and will initiate a prompt, thorough, and impartial resolution or investigation.

C. Informal Resolution Procedures.

- (i) Though not required, it is encouraged to initially attempt to resolve complaints at the lowest level possible. An informal resolution, such as supervised mediation, can be instituted in cases like this.
- (ii) If Complainant would like to proceed informally, they should ask their supervisor, Human Resources professional or Title IX coordinator to intervene. Do not rely on other co-workers or individuals who are not familiar with University policy. In cases involving allegations of sexual assault or other serious violent offenses, informal resolutions are not appropriate, even on a voluntary basis.
- (iii) Complainant has the right to end the informal process at any time and begin the formal resolution process.
- (iv) Supervisors, administrators, and faculty should always contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any complaints.

D. Formal Complaint.

- (i) The person who wishes to file a formal complaint is encouraged to submit a brief written statement of fact to the Title IX Coordinator or the assigned Deputy Coordinator. If a written statement is not submitted, the Title IX Coordinator or assigned Deputy Coordinator will prepare a statement that is approved by the complainant, which may address the following:
 - 1. Identification of the respondent and relationship to the University;
 - 2. Description of the incident(s), including dates, locations, and the presence (and identity) of any witnesses or other who might have been subject to the same or similar conduct;
 - 3. The impact of the respondent's action on the complainant;
 - 4. Any steps complainant has taken to try to stop the harassment;
 - 5. Any other information that complainant believes to be relevant including supporting documents or other evidence.

E. Presence of advisor/support persons.

An individual of the complainant's and respondent's choice may accompany them at the initial interview and subsequently, as appropriate. The role of the support person would be to be present at the time of the investigation interview. The support person is not provided

documentation on the investigation or allowed to interject during the investigation interview.

F. Investigation.

Upon receipt of the statement, the Title IX Coordinator will open a formal case file and begin the investigation herself or assign the investigation to a Deputy Coordinator, who will conduct the investigation under the supervision of the Coordinator. The investigator will begin by providing both the Complainant and the respondent with formal notice of the complaint. The investigation may range along a continuum from a one-on-one conversation with the accused with an agreement as to further interactions; to an inquiry with several witness interviews. During the investigation, the interviewer may interview the parties, witnesses who have first-hand knowledge of the events and gather relevant documents.

NOTE: Cases involving student on student sexual misconduct not in the employment setting will be handled in accordance with the Standards of Conduct in the Student Handbook and are not covered under this procedure. The Office of Student Development will be responsible for the investigation and resolution of such allegations.

G. Possible outcomes. An investigation may result in one of the following findings:

1. **A determination that there is sufficient evidence to indicate a violation of university policy.** This will result in the allegation being assigned to the Title IX Coordinator/Director of Human Resources for review and formal disciplinary proceedings. In matters involving general staff or administration, the Title IX Coordinator/Director of Human Resources, in conjunction with the respondent's supervisor, will make a formal sanctioning decision. This decision will be delivered in writing to both the complainant and respondent while respecting guiding employment law best practices. In allegations involving faculty members, the Title IX Coordinator/Director of Human Resources will advise the Provost who will determine if Faculty Policy and Procedures, specifically 2.4.5, should be instituted.
2. **A determination that there is insufficient or no evidence to indicate a violation of university policy.** This determination will be reviewed by the Coordinator/Director of Human Resources. If in agreement, the file will be considered closed (pending appeal) and the complainant and respondent will be notified in writing simultaneously.

- 3. A determination that inappropriate behavior has occurred, although not rising to the level of a policy violation.** This determination will be reviewed by the Coordinator/Director of Human Resources. If in agreement, the complaint will be forwarded to the appropriate office for resolution.

SANCTIONS

Sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in the Student Handbook, The Faculty P & P and the All Employee Handbook. The following are typical sanctions that may be imposed upon students or organizations singly or in combination, and should not be perceived as an exhaustive list:

Possible Student Sanctions (referred to in the Student Handbook)

- 1.** Warning
- 2.** Probation
- 3.** Suspension
- 4.** Expulsion
- 5.** Organizational Sanctions
- 6.** Other Reparative Actions

Possible Employee Sanctions (Faculty P&P and Employee Handbook)

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Termination
- Other Reparative Actions

- H. Cooperation with Law Enforcement. In the event that an internal complaint is also being investigated by law enforcement, the University will comply with law enforcement request for cooperation and such cooperation may require the University to temporarily suspend the fact-finding aspect of the investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its investigation two weeks after receiving approval from law enforcement. This restriction does not limit the University's ability to put interim

protective measures in place or other actions to ensure campus safety and security.

- I. Conclusion of the investigation. It should be the goal of the University to have all complaints investigated and concluded within sixty (60) days of the initial complaint being filed. If this is not reasonably possible due to extenuating circumstances, the Title IX Coordinator/Director of Human Resources should inform the complainant and respondent of the status of the review and an estimated conclusion date.
- J. Outcome of Investigation. The University shall prepare a written summary of the outcome of the investigation and provide both complainant and respondent with written notice of the outcome simultaneously within five (5) business days of such finding being made.

Regardless of the method of resolution or the outcome, complainants may choose to pursue their complaints through the criminal and/or civil courts, with the Illinois Department of Human Rights (IDHR) the Equal Employment Opportunity Commission (EEOC), or the United States Department of Education (Office of Civil Rights), in addition to, or instead of, the University's process. Complainants are encouraged to utilize the resources available through growing Strong (legal advocates) and may wish to consult with an attorney.

- K. Appeal Rights. Both the complainant and the respondent have the right to appeal a decision within 5 days from receiving the decision. An appeal is not a re-hearing and must fit within the guidelines listed below. The Director of Human Resources/Title IX Coordinator and/or appropriate Deputy Coordinator or designee will review the requests to determine if there is sufficient grounds for an appeal. Appeals must be in writing and must clearly demonstrate one of the following elements:
 - **New Information of a Substantive Nature:** New, significant or relevant information regarding the case becomes available that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
 - **Substantive Procedural Error:** The specified procedural error or error in interpretation of university conduct procedures significantly impacted the outcome of the decision;
 - **Substantive Disproportionate Sanction:** The sanction appears to be significantly incongruent with the violation, given either the individual's prior record or the usual action for the offense.

- Appeals involving students will be heard following the Standards of Conduct in the Student handbook.
- Appeals for Faculty members will be heard by the Provost.
- Appeals for Administrative and Staff employees will be heard by the Vice President for Finance & Business Affairs.

The finding, which will be in writing and provided to both parties, will be final, and cannot be appealed. (The appeals officer will typically render a written decision to all parties within five (5) business days from hearing the appeal.)

IX. CORRECTIVE ACTION IMPLEMENTATION

When discrimination or harassment is found, steps will be taken to ensure that the behavior is stopped promptly. In compliance with existing University policy, appropriate corrective action may range from counseling, written reprimands, suspensions, or other action, up to and including termination. The Office of Human Resources will monitor corrective action to ensure compliance.

- A. In cases involving faculty members, corrective measures may be imposed in accordance with Policies and Procedures: Faculty; Section 2.4.5 *Dismissal for Cause*, 2.46 *Action Short of Dismissal*, and 2.5 *Grievance Procedure*.
- B. In cases involving students acting in their employment capacity, measures may be imposed in accordance with policy in the Student Employee handbook. In all other cases, measures may be imposed in accordance with the Standards of Conduct in the Student Handbook.
- C. In cases involving all administrative and staff employees, refer to Policy #601 *Guidelines for Appropriate Conduct* and #603 "*Discipline and Corrective Action*" in the Employee Handbook.

X. CONFIDENTIALITY

The University wishes to create a safe environment in which individuals are not afraid to discuss concerns. Therefore, the University will maintain the confidentiality of the complaint to the greatest extent possible and on a need-to-know basis, consistent with the law and the University's goal of conducting a thorough and complete investigation. Efforts will be made to safeguard the privacy and rights of all persons involved. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

XI. RETALIATION

The University will not tolerate retaliation in any form against any faculty, staff, student or volunteer, who files an allegation, serves as a witness, assists an

allegor, or participates in an investigation of discrimination, harassment, or gender based violence. University policy and state and federal law prohibit retaliation against an individual for reporting, or cooperating with, an investigation of discrimination, harassment, or gender based violence. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of retaliation should be directed to the Office of Human Resources.

XII. ADDITIONAL POLICY PROVISIONS

A. False Allegations

It is a violation of this policy to make an intentionally false report of sexual harassment that is known to be false. Any member of the University community who knowingly files a false complaint of discrimination or harassment, or who knowingly provides false information to or intentionally misleads any University official who is investigating a complaint, is subject to disciplinary action, up to and including termination.

B. Amnesty Policy For Reports Of Sexual Misconduct

Millikin University encourages reporting of sexual misconduct and seeks to remove any barrier for reporting parties. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. Any student who reports sexual misconduct, either as a victim or witness, will not be subject to student conduct action by the University for their own personal consumption of alcohol or drugs during the incident so long as the consumption did not result in harm to others or the community at-large. The University does reserve the right to engage in developmental and educational practices in relation to alcohol/drug education with involved parties.

XIII. COUNSELING AND SUPPORT SERVICES

Any person seeking counseling or support services may contact any of the following:

- Millikin University Public Safety 217-464-8888
- Decatur Police 911
- Growing Strong Sexual Assault Center 217-428-0770
- DOVE Domestic Violence Advocacy Center 217- 423-2238
- Decatur Memorial Hospital 217-876-8121
- St. Mary's Hospital 217-464-2966
- National Domestic Violence Hotline 800-799-SAFE(7233)
- National Sexual Assault Hotline 800-656-HOPE(4673)

For Employees:

- Employee Assistance Program (EAP): free confidential counseling for University employees, as well as their dependents, through LifeWorks. To speak with a counselor or to schedule an appointment with a local counselor, call 877-234-5151 toll-free.

For Students:

- Millikin/DMH Health Clinic & Counseling Center 217-424-6360
- Millikin Office of Student Development 217-424-6395

XIV. NOTICE, TRAINING AND EDUCATION FOR STUDENTS AND EMPLOYEES

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Employee and student training is scheduled accordingly.

For Employees:

- All employees, including faculty, administrative and support staff will receive annual awareness training as it pertains to Title IX.
- All new employees are provided awareness training at or before New Employee Orientation advising them of the policy and what constitutes sex/gender discrimination, harassment and sexual misconduct and the consequences of violating these policies.
- Special trainings are also held for positions/department with particular Title IX concerns (i.e. Athletics).

For Students:

- Training and informational services will be made available to all students during New Student orientation with university-wide programming occurring throughout the academic year.
- Special trainings are also held for specific groups including resident assistants, fraternity and sorority groups, and student athletes & coaches.

For Volunteers:

- Volunteers will be provided a copy of Millikin's written policy on prohibited discrimination advising them of the policy and what constitutes sex/gender discrimination, harassment and sexual misconduct.