

**The
Big Blue
Student Handbook
and
Code of Conduct**



*Office of the Vice President
for Student Affairs*

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The handbook remains in effect until a new revision is published.

Corrections and Feedback

For corrections or feedback, please provide written information to the Office of the Vice President for Student Affairs at studentaffairs@millikin.edu.

Additional Resources, Policies, and Procedures

For information related to admission, advising, courses, immigration documents, refund, tuition and fees, graduation requirements, University calendar, withdrawal and medical exceptions to withdrawal, and other academically-related resources, policies, and procedures, please review the [Millikin University Undergraduate Course Catalog](#).

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DISCLAIMER

The primary purpose of the University is to educate students and prepare them for lifelong success so they can make positive contributions to society. This Student Handbook and Code of Conduct (Handbook) is intended to fulfill the purposes of the University and ensure that we create a safe and healthy living, learning, and working environment for students and employees. As you read this Handbook, keep the following in mind:

1. We promote safety. As a private University, Millikin University reserves the right to make decisions that are in the best interest of campus safety and the mission of the University. In doing so, it may be necessary to deviate from or adjust or add to the policies and procedures in this Handbook while also complying with all applicable laws.
2. We promote personal responsibility at Millikin. The Handbook is not intended to be comprehensive or address all the possible scenarios, incidents, violations, applications of, or exceptions to student conduct. Students are expected to behave in accordance with the purposes of the University and in accordance with all applicable laws.

A BRIEF HISTORY OF MILLIKIN UNIVERSITY

Millikin University was the result of the combined efforts of private philanthropy, community support, and spiritual fervor prevalent at the beginning of the twentieth century. On May 15, 1900 James Millikin, Macon County's wealthiest citizen, issued a challenge to the citizens of Decatur and the Synods of the Cumberland Presbyterian Church to raise \$100,000 each by January 1, 1901 to establish a new University in Decatur. The Cumberland Presbyterian Church had already established Lincoln University in February 1865. In discussions with Mr. Millikin and Presbyterian Church, they established a cooperative arrangement between the new university and Lincoln University.

The James Millikin University is Created

On April 30, 1901 an amended charter for Lincoln University was drawn up, forming two colleges, Lincoln College and the Decatur College and Industrial School, under one university, The James Millikin University. Albert Reynolds Taylor, a graduate of Lincoln University in 1872 (and since 1882, the president of the State Normal School of Kansas at Emporia) was hired as president in June 1901. In the early years he served as president, dean, registrar, business manager, teaching chair in philosophy, pedagogy, and education, often teaching 11 hours a week for a yearly salary of \$5,000. In June 1901 the three governing boards were formally installed for the new institution. A Board of Trustees of the University and a board of managers for each campus were established.

On September 19, 1901 [President Albert Taylor](#) outlined nine Schools for the new Decatur College and Industrial School; Engineering, Commerce and Finance, Fine Arts (including music, drawing, painting, design), Domestic Sciences and Arts, Horticulture and Landscaping, Economics and Sociology, Pedagogy, Library Training, and Liberal Arts and Sciences. That same month, the Board of Managers selected the Chicago firm of Patton & Miller as architects. President Taylor apparently made the decision to build of semi-vitrified rough-face brick with terra cotta ornamentation in the Elizabethan style.

After considering various sites on the west side of Decatur, the Board of Managers selected the area known as Oakland Park as the site of the Decatur College and Industrial School. Mr. Millikin had purchased this property in 1874. The Board of Managers authorized President Taylor to engage faculty members in November 1901. Contracts for the construction of the Decatur College and Industrial School were let in February 1902 with hopes that the school could open in September 1902. Numerous delays, due to difficulties in procuring materials and unsatisfactory construction, caused the opening date of the school to be moved to September 15, 1903. On June 12, 1902, with walls up to the first floor, a [cornerstone laying ceremony](#) was held with Masonic rites.

OUR MISSION, VISION, AND VALUE STATEMENTS

Mission

For all who aspire to achieve, Millikin delivers on the promise of excellence in education. Through the integration of theory and practice, *we prepare students for professional success, democratic citizenship in a global environment and a personal life of meaning and value.*

Vision

Millikin graduates will be leaders in creating a more wise, just, equitable and sustainable society.

Values

At Millikin University, we value:

- Intellectual and creative inquiry
- Inclusion, diversity, equity and accessibility
- Dignity and respect for all persons
- Integrity and responsibility
- Honest, open dialogue and reflection
- Advancement of the common good

Commitment to Diversity

Millikin University is committed to creating a campus culture that respects and values diversity. At Millikin, diversity is seen in broad terms, including race, ethnicity, socio-economic status, gender, disability, national origin, religion, sexual orientation and age.

Through the recruitment of diverse students, staff, faculty and administrators and by creating an environment that values diversity, Millikin seeks to provide an engaged learning community in which diversity enhances the total educational experience. Millikin University is committed to:

- Creating a diverse campus population,
- Fostering a campus atmosphere where diversity is valued, and
- Generating a campus learning community that embraces diversity.

Millikin continually develops policies and procedures and allocates resources in ways consistent with these commitments. It is the policy of Millikin University to afford equal opportunity for all persons without distinction or discrimination based on race, ethnicity, socio-economic status, gender, disability, national origin, religion, sexual orientation, or age.

Land Acknowledgement

As an institution of higher learning, Millikin University has a responsibility to acknowledge the historical context in which it exists. Thus, in the spirit of reconciliation, we acknowledge the land upon which we celebrate today is the ancestral home of multiple native nations. Specifically, we stand on the lands of the Peoria, Kaskaskia, Myaamia, Mascoutin, Mesquaki, Kikaapoi and Ojibwe nations which hold historical, cultural and sacred significance to these indigenous people. We also acknowledge the living history and contributions of these first people communities that inhabited the land prior to the establishment of Millikin University and recognize their continuing contributions which allow our campus community to flourish.

KEY RESOURCES FOR STUDENT SUCCESS

Note: For additional information on key resources for student success, please review the [Student Success Guide to Millikin](#). The Millikin area code is 217. On campus, dial the last four numbers.

Area, Resource, Service	Location	Contact Information
Academic Accommodations	Student Success Center University Commons, Suite 312	362-6424
Academic Advising		
• College of Arts & Sciences	Shilling 209	424-6205
• College of Fine Arts	Shilling 211	362-6499
• College of Professional Studies	Shilling 208	424-6774
• Tabor School of Business	ADM/SCO 105	424-6285
• Exploratory Studies	Student Success Center University Commons 312	362-6424 mailto:StudentSuccessCenter@millikin.edu
Admission		
• New students, graduate students, and transfers	Admission Office, Gorin 11	424-6210
Re-Admission		
• Students in good standing	Office of the Registrar, Gorin 16	424-6217
• Students who are not in good academic standing for academic reasons	Office of the Registrar, Gorin 16	424-6217
• Students who are not in good academic standing for non-academic reasons (e.g., disciplinary action)	Office of the Vice President for Student Affairs, University Commons 354	424-6395
Alumni and Development	Alumni & Development Center	424-6383
Athletics-Intercollegiate and Intramural	Office of Athletics New Hall 2	424-6344
Books	Campus Bookstore	424-6221
Campus Radio	WJMU Radio (89.5 FM) University Commons 346	424-6377
Campus Conduct Hotline		Click here
Career Success and Professional Development	Student Success Center, University Commons 312	424-6424
Center for International Education	University Commons 122	424-3758
Class Schedules	MyMillikin, Student Schedule, or call the Registrar, Gorin 16	424-6217

Area, Resource, Service	Location	Contact Information
Commencement	Office of the Provost, Shilling 213	424-6220
Computer Information	Office of Information Technology, Shilling 121	362-6488
Counseling Services	Student Mental & Behavioral Health Corner of Wood St. & Fairview Ave	424-6360
Decaturian (The independent student newspaper)		425-4626
Dining Services	Aramark Dining Services, University Commons, Lower Level	424-6323
DISC, The	Decatur Indoor Sports Center 1295 W. Wood Street	429-3472
Disability Services	See Academic Accommodations	
Emergencies		911
Emergency Absence Request <ul style="list-style-type: none"> Unable to attend classes for 3 or more days because of an emergency 	Student Success Center University Commons 312	362-6424
Events on Campus		Click here
Faith-Based Activities, Organizations, and Support	Pilling Chapel/Chaplain Office of Campus Life University Commons 354	424-6385 424-6395
Final Exam Schedules	<ul style="list-style-type: none"> MyMillikin Office of the Registrar, Gorin 16 	424-6217
Financial Aid	Student Financial Services, Shilling 118	424-6317
Fine Arts Events, Programming	Kirkland Fine Arts Center College of Fine Arts, Shilling 211	424-6253 632-6499
Fitness	See DISC, The	429-3472
Fraternities & Sororities (Greek Life)	Office of Campus Life University Commons 354	424-6395
Grades and Academic Records	Office of the Registrar, Gorin 16	424-6217
Graduation Requirements	Office of the Registrar, Gorin 16	424-6217
Health Services/Health Clinic	Student Wellness Services, Corner of Wood St. & Fairview Ave.	424-6360
Homecoming (student events)	Office of Campus Life, University Commons 354	424-6395
Homecoming (University events)	Office of Alumni and Development, Alumni & Development Center	424-6383
Housing	University Commons 354	424-6395
ID Cards , issued, replaced, validated	Office of Institutional Technology, Shilling 106	424-6325
Illness	Millikin Health Clinic Corner of Wood St. & Fairview Ave.	424-6360

Area, Resource, Service	Location	Contact Information
International Students	Center for International Education, University Commons 122	424-3758
Library, The Staley	University Commons	424-6214
Lost and Found	Public Safety, the University Commons, and Kirkland Fine Arts Center (KFAC). If you lose something, it may be there; if you've found something, please take it to Public Safety. Articles will be held for only one semester.	
Maintenance and Housekeeping Services in Residence Halls <i>During normal business hours (non-emergency), please submit requests through the appropriate Residence Life staff member.</i>	<ul style="list-style-type: none"> During normal business hours (emergency) After-hour emergencies, call the Office of Public Safety 	424-6312 464-8888
Notary Public	Business Office Shilling Hall 116	
Off-Campus Petitions	Residence Life and Housing University Commons 354	424-6395
Parking <ul style="list-style-type: none"> Appeal of Fines Payment of Fines Visitor Parking 	Office of Public Safety, Walker Hall <ul style="list-style-type: none"> Office of Public Safety Student Financial Services, Shilling 118 Office of Public Safety, Walker 	464-8888 464-8888 424-6317 464-8888
Payroll Checks (students)	Business Office, Shilling 116	424-6314
Public Safety	Walker Hall	464-8888
Religious Activities/Organizations	See Faith-Based	
Residence Life	University Commons 354	424-6395
Rooms/Space Reservations	Use the 25 Live system on the Millikin Intranet Office of Campus Life, University Commons 354	424-6395
Scheduling Campus Activities	Use the 25Live system on the Millikin Intranet Office of Campus Life, University Commons 354	424-3930
Student Billing/Student Accounts	Student Financial Services, Shilling 118	424-6317
Student Conduct	University Commons 354	424-6395
Student Employment (Work-study jobs and non-work-study jobs)	Student Financial Services, Shilling 118	424-6317
Student Meal Plans	Student Financial Services, Shilling 118	424-6317
Student Organizations	University Commons 354	424-6395
Study Abroad Programs	Center for International Education, University Commons 122	424-3758
Teacher Education-Certification and Admission	School of Education, Shilling 307	424-6244

Area, Resource, Service	Location	Contact Information
Title IX and Sexual Harassment		Click here
Transcripts	Office of the Registrar, Gorin 16	424-6217
Tutoring	Student Success Center, University Commons 312	362-6424
(Important) University Dates		Click here
Withdrawals and Exit Interviews	Student Success Center University Commons 312	424-6395

SECTION I: ABOUT STUDENT AFFAIRS

Mission

The Division of Students Affairs cultivates holistic student development resulting in transformational learning.

Values

In our work, we value:

- Providing advocacy
- Modeling inclusivity
- Being responsive to change
- Offering opportunities for Performance Learning
- Delivering high-quality facilities, programs, and services

Five Guiding Leadership Priorities

1. Staff excellence through inclusion, diversity, equity, accessibility, and sense of belonging
2. Student excellence through inclusion, diversity, equity, accessibility, and sense of belonging
3. Internal and external engagement
4. Planning, assessment, and data-informed decision-making
5. Development and philanthropy to support priorities

A Vision for Our Students

As a result of our comprehensive co-curricular and extra-curricular student experiences coupled with academic experiences, we envision Millikin graduates as successful, impactful, and contributing individuals who are:

- Great and grateful
- Resourceful and resilient
- Competent and compassionate
- Ethical and just

SECTION II: STUDENT AND CAMPUS SAFETY

In case of fire, tornado, or other potential threat to campus safety, students (and families) should check cell phones, text messages, and emails to see if an MU Alert message has been sent. The University website will also be a good source of information during a crisis. During any crisis, the best way to stay safe is to learn, know, and follow all safety protocols and follow instructions from authorized personnel such as staff, RAs, law enforcement, fire personnel, and medical and health officials. The [MU Alert system](#) is a valuable resource. Students should also be familiar with the [Plan to Be Safe](#) website. Public Safety also offers several [services](#) to promote a safe campus.

Millikin Public Safety Department

The Office of Public Safety is in Walker Hall, on the first floor, in the north end. The Public Safety office operates 24 hours a day, seven days a week. It is a combination department comprised of both sworn police officers and non-sworn professional security officers and dispatchers.

The Millikin University Police Department was established by the Board of Trustees in May 2013 in accordance with the Illinois Private College Campus Police Act (110 ILCS/1020). As outlined by that act, Millikin University Police Officers have full peace officer authority and arrest powers, including the ability to enforce city ordinances, county ordinances, traffic laws (on public ways contiguous to University property), and state statutes.

A dispatcher is always in the dispatch center and can be reached by calling 217-464-8888 (8888 campus phone), or through one of the “blue light” phones located about campus. The dispatch center is also the after-hours switchboard for the University. The dispatcher monitors a variety of campus alarm systems, the access control system, and local/national media for weather and crisis information.

Public Safety is responsible for a wide variety of functions on campus, including both foot and motorized patrols, access control, crisis response, parking enforcement, risk management, and various life safety checks. During patrols, both Police and Security Officers are establishing a presence to deter criminal activity, conducting life safety checks, and proactively engaging our community members. Public Safety staff members attend regular training in procedures, investigations, report writing, crisis management, first aid and CPR/AED.

For Public Safety assistance on campus dial “8888” from a campus phone or 217-464-8888. Decatur/Macon County does offer 911 service for life threatening emergencies, remember to dial “7-911” when calling from a campus phone.

Emergency Procedures

In event of any emergency in any campus owned building—fire, illness, accident, etc.—notify Public Safety at 217-464-8888. For life-threatening emergencies, please also contact 911.

Fire Alarms

The protocols for fire alarms are for all campus facilities, including residence halls. False alarms and genuine fire alarms are indistinguishable. Therefore, students should follow the fire procedures whenever the alarm sounds. Failure to evacuate appropriately may result in injury and disciplinary action.

When the fire alarm sounds:

- Calmly proceed to the nearest exit and leave the building. If the situation allows, close your residence door as you leave.
- If in a closed room, feel the door with the back of our hand before exiting. If the door is hot use an

alternate exit.

- If an alternative exit is not available, seal off the room you are in by stuffing towels, etc. in vents and door cracks. Call 911 and/or Public Safety (464-8888) and tell them you are trapped and give your location. If practical, wait by a window and signal for help.
- Do not re-enter the building until you are instructed to do so by a staff member.

Tornado Warning

The protocols for tornado warnings are for all campus facilities, including residence halls.

When notified that a tornado has been sighted in this area:

- Leave the room and close the door (unlocked).
- Move to the basement. If there is no basement, sit in the corridor away from windows on the lowest floor of the building.
- Do not re-enter room until danger is past and the “all clear” is provided by a staff member.

Campus Security Act

In 1990, Congress passed the Students Right to Know and Campus Security Act. The Act was most recently amended in 2024. The Act requires colleges and universities to report annually the number of designated crimes that occur on or contiguous to campus. The designated crimes and their definitions are:

- **Murder:** The willful killing of one human being by another.
- **Forcible Sex Offenses:** Any sexual act directed against another person, forcibly or against that person’s will. Includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- **Non-Forcible Sex Offenses:** Unlawful, non-forcible sexual intercourse. Includes incest and statutory rape.
- **Robbery:** The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence.
- **Aggravated Assault:** An attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner or the victim, suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- **Motor-Vehicle Theft:** The theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.
- **Liquor-Law Violations:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. Does not include driving under the influence or drunkenness violations.
- **Drug-Law Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment needed to produce or use them.

- **Weapons-Law Violations:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, knives, explosives, or other deadly weapons.
- **Manslaughter:** The killing of another person through negligence.
- **Arson:** To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.
- **Hate Crimes:** All the above and including intimidation, simple assault, and criminal damage to property

The Act also requires institutions to report the number of people referred for student conduct action for liquor, drug, and weapons law violations.

Reporting Thefts

You should report all thefts, regardless of value, as soon as possible to residence hall staff. You may go to Public Safety in person to complete the report or call Public Safety at 217-464-8888.

SECTION III: ACADEMIC POLICIES AND STANDARDS

Undergraduate Students

For the most up-to-date policies and procedures related to academic integrity standards and other academic policies and procedures, please review the [Undergraduate Course Catalog](#).

Graduate Students

For the most up-to-date policies and procedures related to academic integrity standards and academic other policies and procedures, please review the [Graduate Catalog](#).

SECTION IV: LIVING IN THE RESIDENCE HALLS

Please see also the [Residence Life](#) website or the “Student Success Guide” publication for these standards.

Section 4.1: Resident Assistant (RA)

The Resident Assistant (RA) is a trained paraprofessional student staff member on each floor selected due to their interest in helping other students. With your help, the RA will maintain harmony and a sense of respect in your community. Primarily, they are a resource to assist you in all facets of your college experience. While RAs spend much time with their community, they have other responsibilities in their position (duty, training, meetings, etc.) and most importantly, they are also full-time students at Millikin.

Section 4.2: First-Year Housing

To learn more about first-year housing, visit [here](#).

Section 4.3: Upper Class Housing – University Approved Housing

To learn more about upper class and University-approved housing, visit [here](#).

Section 4.4: Housing Selection Process

To learn more about the housing selection process, visit [here](#).

Section 4.5: Housing FAQs

To learn more about typical residence life and housing questions, visit [here](#).

Section 4.6: Off-Campus Petitions

To learn more about off-campus petitions and the process for requesting authorization to live off-campus, visit [here](#).

Section 4.7: Hall Security Guidelines

As a student attending Millikin University, you are extended the privilege of self-regulated hours to enter and leave your residence hall. Residence hall security ultimately depends on the responsible actions of each resident. Security begins with you. Your room door should be always locked. Do not prop open stairwell or outside doors. To allow ONLY residents of the building and their invited guests in the halls, all entrances will be always locked. Each resident will be issued a Millikin student ID that serves as your hall entry key. Your guests will also have self-regulated hours. You will be responsible for your guests (i.e., informing them of hall and University policies and regulations). Your guests will be admitted to the residence hall only if accompanied by you or a resident of that living unit. Failure to comply with these regulations could result in charges being filed with Residence Life and Housing and subsequent student conduct action.

Section 4.8: Lost Keys

All residence hall entrances will be locked at all times. Charges for lost keys will be charged to students for the cost associated with re-coring the room and/or building. Charges begin at \$50.00 for one key and are higher for multiple keys or replacement of building-wide locks and keys. Please be certain the doors remain secure after entering or leaving. Propping doors open may result in a fine. Please be security conscious.

Section 4.9: Room Search

Premises occupied by students and the personal property of students will not be searched unless appropriate authorization has been obtained. For University- owned or University-approved housing, authorization for search must be obtained from the Dean of Campus Life, or designee before a search is conducted.

Section 4.10: Smoke Detectors/Sprinkler System

Each residence hall room is equipped with a smoke detector. These detectors are furnished for student protection and assist in early detection of smoke and possible fire. Due to the crucial safety purpose these detectors serve, tampering with a room smoke detector and/or removal of the supplied battery will result in a fine and possible student conduct action. In addition, tampering with the sprinkler system will result in student conduct action. The smoke detectors will be checked periodically and at break periods by the housing staff.

Section 4.11: Fire Safety

We strive to create a safe campus living environment. Students are important partners in ensuring their safety. We expect Millikin students to behave like young, responsible adults and follow all safety protocols to ensure their

personal safety.

Students are asked and expected to review the emergency fire evacuation information provided by the Resident Assistant (RA). Whenever a fire alarm sounds in any residence hall, students are required to evacuate the building immediately.

- **Failure to evacuate is a violation of the Millikin University Code of Conduct (i.e., Student Handbook). Students may be issued a student conduct sanction that ranges from a written warning to removal from the residence hall.**

State fire laws prohibit the use of elevators for fire evacuation. Using elevators during a fire is a violation of the student code of conduct.

In the case of a fire, students needing assistance (e.g., students with a disability) should report to the designated location in the residence hall for assistance with exiting the building.

When the fire alarm sounds and if it is safe to do so:

- close your windows
- open drapes
- leave lights on
- If possible, carry a towel to protect your face
- close your room door (unlocked)
- calmly proceed to the nearest exit and leave the building
- do not re-enter the building until instructed to do so by a staff member

False alarms and genuine fire alarms are indistinguishable. Therefore, students should follow the fire procedures whenever the alarm sounds. Failure to evacuate appropriately may result in injury and will result in student conduct action.

Section 4.12: Tornado

- ***Tornado watch*** – When atmospheric conditions are such that severe weather or a tornado could develop; a tornado watch is in effect. Stay indoors, stay alert for warning sirens, and listen to weather, radio, TV and/or internet site for updates on the weather situation.
- ***Tornado warning*** – When a funnel cloud has been sighted in the area or when radar indicates that there is a possibility of a tornado forming, a tornado warning is in effect. In the instance of a tornado warning, sirens will be sounded for three to five minutes with a solid blast.

In the case of a tornado, students needing assistance (e.g., students with a disability) should report to the designated location in the residence hall for assistance with getting to safety.

When notified that a tornado has been sighted in this area:

- close room windows
- close drapes
- leave room and close door (unlocked)
- move to the basement. If there is no basement, sit in the corridor away from windows on the lowest floor of the building. Hall staff will provide specific safe locations for each building.
- listen to a transistor radio for weather information.
- do not re-enter room until danger is past and the “all clear” is provided by a staff member.

When the “all-clear” is announced, you may return to other areas of the hall. (The sirens will not be used to announce the “all-clear.” This information will be phoned in and broadcast on the radio.) The tornado sirens are tested at 10 a.m. on the first Tuesday of each month.

Section 4.13: Housekeeping and Laundry

Housekeeping service is provided in residence hall common areas including lounges and hallways. Students are responsible for cleaning their individual rooms and restrooms, except students living in Blackburn Hall, who will receive regular housekeeping services for their community-style restrooms.

In each residence hall, washers and dryers are available for use by residents. The cost of using the laundry facilities is assessed to each residential student’s account at the start of each semester. Check with your Resident Assistant (RA) for specific laundry room locations. You are encouraged to stay with your laundry at all times and set timers at the end of wash and dry cycles. The University is not responsible for theft of personal belongings.

Section 4.14: Maintenance

Maintenance concerns should be reported to the Resident Assistant. The Resident Assistant will supply students with the correct information on how to resolve their concerns. Typically, the RA files a Work Order through Facilities to complete maintenance.

Section 4.15: Refrigerators and Microwaves

Students may bring their own refrigerators into the residence halls; however, they may not exceed 1.5 amps or be larger than 3.3 cubic feet. Personal microwaves are not allowed in the residence halls unless they are part of a Micro-Fridge unit. In most residence halls, there is a common microwave available for use in kitchen or other designated space.

SECTION V: ATTENDANCE AND ABSENCES

As responsible persons, Millikin students are expected to attend all regularly scheduled classes and laboratories. However, students are responsible for material covered in class, whether or not they are present. Absences due to illness of the student, serious illness or death in the immediate family, or religious holidays, or extenuating circumstances generally carry no penalty.

Students are expected to notify their instructors in advance about anticipated absences and to make appropriate arrangements to make up work. In case of illness, students are expected to report to the University Student Mental Health & Behavioral Services.

Students participating in athletics, with performing groups, or otherwise representing the University will sometimes have events scheduled in conflict with their classes. Students should notify their instructors well in advance of these dates. Individual faculty may have different policies about attendance and makeup privileges for students absent on University business, and students should determine this in advance of their anticipated absences.

At the beginning of each semester, faculty should inform students about their policies on attendance, makeup privileges, and acceptance of assignments after established deadlines. This written policy is usually contained in the course syllabus distributed on the first day of classes. It is the student’s responsibility to understand and abide by these policies.

Faculty will take note of excessive absences and report them to the Student Affairs and the Office of the Registrar.

Source: [Undergraduate Catalog](#)

SECTION VI: PARENTAL NOTIFICATION PRACTICES

Millikin University strives to cultivate personal growth and responsibility in students as they learn to establish autonomy and independence. However, the University also believes in providing parents with the information to advise their students effectively. Parental notification is initiated when a member of the Student Affairs staff believes that parental involvement will help the student by providing support for their health and safety, academic success, and/or personal development.

Furthermore, Sections 951 and 952 of the 1998 Higher Education Amendment enables institutions of higher education to notify the parents or legal guardians when their student under the age of 21 has been found in violation of the institution's disciplinary code for drugs and alcohol. Parental notification is in addition to the intervention and education already offered to students when such infractions are brought to the University's attention.

Parents **may** be notified:

1. When the Division of Student Affairs receives notification from University staff and/or local law enforcement officials that a student has been found to be involved in a drug or alcohol-related violation during an academic session or while living in University-owned housing. Violations that may trigger parental notification include:
 - a. the student demonstrates a disregard for his or her personal safety or the safety of others;
 - b. medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
 - c. the student causes property damage;
 - d. the student operates a motor vehicle under the influence of alcohol;
 - e. the student is involved in multiple minor incidents involving alcohol; and
 - f. the student's alcohol-related behavior negatively impacts the learning environment.
2. When there is reason to believe that a student's health and well-being are in jeopardy. The University reserves the right to assess what is determined as potential jeopardy, including potential harm to self and/or others.

A professional staff member in Student Affairs will encourage the student to make the initial call to a parent or guardian. After the determination of a violation, students will be afforded an opportunity to contact their parent(s) or guardian before the University will issue a notification. In certain cases, written notification will be utilized in lieu of verbal contact.

Parents/guardians/supporters interested in gaining further information about their student's academic records are encouraged to discuss this information with their student or request that the student sign a written consent to have this information shared with parents/guardians/supporters. Consent forms are available at the Office of the Registrar. Parents/guardians/supporters should be aware that the Family Education Rights and Privacy Act (FERPA) prohibits the University from sharing student records (not including the above exceptions) without the student's written consent.

Please direct all questions regarding Millikin University's Parental Notification Practices to the Division of the Student Affairs (217)-424-6395.

SECTION VII: STUDENT SERVICES

Section 7.1: Billing (also known as Student Billing/Accounts)

Campus charges (e.g., parking tickets, fines, ID fees, health service fees, etc.) will be assessed to individual student accounts each month. Students will receive a paper bill before each semester and each subsequent statement is sent electronically. Student accounts must be paid in full by the end of each term to be eligible to return the following semester. Students may access their account by going to the MU Account Suite.

Section 7.2: Health Services

The Student Wellness Services building is located at the corner of Wood Street and Fairview Avenue. For more specific information, please contact the clinic at 217-424-6360 (fax 217-362-6497) or visit <https://www.millikin.edu/campus-life/campus-services/health-wellness/millikin-health-clinic>

Eligibility

Health Services are available to all currently enrolled Millikin University students, faculty, and staff and their spouses, domestic partners, and dependents.

Types of Service Available

- Evaluation and treatment of medical illnesses
- Laboratory testing
- Allergy injections
- Vaccine administration
- TB skin test
- Physical examinations
- Emergency/injury evaluation and treatment
- Blood pressure and weight checks
- Smoking cessation care
- Nutrition advice
- Screening for sexually transmitted diseases
- Women's Clinic

Services may vary, be added, or be eliminated based on licensures, certifications, and staffing. Your personal physician should manage any long-term medical conditions.

How to Access Services

The health clinic serves walk-in appointments during regular business hours. For non-emergency medical needs after hours, students may contact Public Safety for assistance.

Payment of Services

Medical services are billed per visit at a cost of \$25.00. This cost is added to the Millikin patient's account. Prescriptions and any referred outside tests not done at the clinic will be the responsibility of the patient. Testing done at the clinic is included in the \$25.00 visit fee. Counseling and wellness services are free for Millikin students.

Section 7.3: Mail and Duplicating Services

All students who live in the residence halls may pick up their mail and packages at the University Mailroom located in Shilling Hall 104A or by calling 217-420-6799. Students can access their mailboxes from 8:00 a.m. – 9:00 p.m. from Monday – Thursday, 8:00 a.m. – 5:00 p.m. on Friday, and 12:00 p.m. – 5:00 p.m. on Saturday and Sunday. Packages and mail services will be available from 10:00 a.m. to 5:00 pm from Monday – Friday. All students must show their Millikin ID to pick up packages.

Letters and packages may be weighed and rated by the Mailroom (Shilling Hall, Room 104A) for the proper amount of postage.

Duplicating Services is in Shilling 106. Students can obtain a new Millikin ID if their ID has been lost or stolen and request printing for projects, events, and presentations. Duplicating is open from 8:00 am to 5:00 pm - Monday – Friday, but office hours may change with or without notice.

Section 7.4: On-Campus Check Cashing Services

Hours: Monday-Friday 9:00 a.m. – 5:00 p.m.

On-campus check cashing is available in the Student Financial Services Center, Shilling Hall 118 (Monday-Friday). The phone number is 217-424-6317. Personal checks (for amounts up to \$50) and Millikin student payroll checks can be cashed. Student to student and two-party checks will not be cashed. Checks must be made payable to “cash.” A fee of \$25 is charged for each returned check and the privilege of cashing checks may be withdrawn.

There is also an automated teller machine on campus located on the ground floor of the University Commons building.

Section 7.5: Parking Regulations, Procedures, and Restrictions

Public Safety oversees campus parking. All vehicles that park on campus must be registered with Public Safety and must display a valid Millikin University parking permit. Permits are available through Public Safety. Residential Students are only allowed to register one vehicle, commuter students may register two vehicles.

To learn more about parking regulations and procedures, including costs, please visit <https://www.millikin.edu/campus-life/campus-services/public-safety/parking-services/parking-regulations-procedures>.

To learn more about parking restrictions, please visit <https://www.millikin.edu/campus-life/campus-services/public-safety/parking-services/parking-restrictions>.

Students are required to park according to the guidelines outlined in the Parking Information brochure published by the Millikin University Office of Public Safety. Copies of this brochure are available at the Department of Public Safety in Walker Hall. Students are cautioned to pay particular attention to reserved spaces such as visitor only (Millikin students are not considered visitors), handicapped parking, and designated fire lanes.

Students who fail to abide by the University’s parking regulations are subject to parking tickets and/or having their vehicles towed.

During weather-related emergencies (i.e., snow and flooding conditions), students may be asked to relocate their vehicles so that repairs and maintenance can be facilitated. Students must also be aware that certain city streets

around campus are “snow emergency routes.” Vehicles parked on these routes in violation of city ordinances will be towed at the owner’s expense.

Section 7.6: Reserving Space and Rooms for Activities

The campus utilizes 25Live scheduling software to manage all campus facilities and spaces. An electronic request through 25Live (via myMillikin) must be submitted to receive confirmation of an event. Set-up arrangements should be made at the time of scheduling online. All food service arrangements must be made with the Catering Manager (217-424-6631) after facility use has been requested and confirmed. All audio/visual requests for any space outside the University Commons should be directed to Media Services at 217-424-6238. Requests for the University Commons can be made when requesting space via 25Live.

Registered student organizations, faculty, and staff have priority for scheduling purposes. Rental fees are usually waived for these groups. Arrangements and charges will be assessed by the University Commons staff for off-campus organizations. Scheduling should be done at least 14 days prior to an event to ensure space, equipment, and set-up arrangements.

All cancellations should be made at least 48 hours prior to the start of the event through the 25Live system or by contacting University Commons staff at 217-424-6395. Groups that fail to make notification of cancellation may forfeit reservation privileges for the remainder of the semester.

Extension of normal building hours requires approval of the University Commons Operations Coordinator and, in some cases, the Vice President for Student Affairs or designee. The sponsoring organization will be responsible for all costs associated with extension of the hours.

Section 7.7: Telephone Regulations and Guidelines

Dialing Instructions

(For calls placed from residence hall or other campus phones)

- On campus: Dial only the four-digit extension number.
- Local: Dial 7 + 7-digit-number
- “Toll-Free” numbers: dial 7 + 1-800-xxx-xxxx and continue with carrier’s instructions

Section 7.8: University Commons

The University Commons (UC) is a vibrant multi-functional and fusion facility housing both the student center of Millikin as well as the Staley Library. The UC is the “front door” of Millikin’s campus and acts as the main gathering space for the University and broader community. The UC provides an exciting and functional place for many University events on campus. The UC houses student lounge areas, conference and meeting rooms, collaboration spaces, a centralized dining facility, and several University offices, including the Staley Library, Catering and Dining Services, the Office of Campus Life, the Office of the Vice President for Student Affairs, the Student Success Center, the and the Empowerment Suite. The UC also houses the University Commons Welcome Area Desk (WAD), WJMU Campus Radio Station, the student-run newspaper, the Decaturian, and many other amenities and services.

Escorted guests are welcome to enjoy the services and amenities of the UC. Appropriate behavior and citizenship are expected of all guests. Guest privileges are at the discretion of the staff. For further information, contact the Division of Student Affairs/University Commons at 217-424-6395.

University Commons Welcome Area Desk

(Dial “0” on campus, or 217-424-6211 off-campus)

The University Commons Welcome Area Desk (WAD) is a service center for the Millikin community. General campus information as well as specific information on events occurring in the UC is available from the WAD, which is located near the front south main entrance of University Commons.

The University Commons Welcome Area Desk is open seven days a week during the academic year, Monday-Friday: 7am-10pm; Saturday and Sunday: 10am-10pm. Building hours during breaks, holidays, and the summer may vary and will be posted at each entrance to the UC. Building hours may also be adjusted with or without notice for maintenance, health, and safety reasons.

Section 7.9: Vending Machines

A wide variety of beverages and snacks is available in vending areas located in most residence halls and some academic buildings on campus. Tampering with or destruction of vending machines is a violation of University policy. For vending issues, please contact the Office of Campus Life at 217-424-6395.

SECTION VIII: FRATERNITIES AND SORORITIES

Section 8.1: Participation

Affiliation with a Greek chapter is achieved through a mutual selection process known as membership recruitment. Formal membership recruitment for students occurs at the beginning of the spring semester and includes an orientation program during which Interfraternity, National Panhellenic Council, and Panhellenic Council officers explain the recruitment process. Continuous recruitment periods occur throughout the year specifically targeting transfer students, and sophomores, juniors, and senior students. Students are encouraged to consider all chapters to evaluate which organization most closely meets their personal expectations and values.

Recruitment programs, new member education, and initiation are restricted to full-time students who are in good standing with Millikin. To become a member, a student must have successfully completed one college/University semester and be enrolled for at least 12 credit hours at the time of their potential membership. Individual chapters have specific academic requirements for affiliation and initiation that are presented during recruitment activities. Eligibility for membership must be certified by the Office of Campus Life at least 48 hours preceding the membership induction. Any questions regarding how to get involved in Greek Life should be directed to the Office of Campus Life.

Section 8.2: Approved Greek Housing

[Fraternity and Sorority Housing](#) are important living options for eligible students. Several of Millikin’s fraternities and sororities own and operate their chapter houses adjacent to the campus. Students who are not provided meals in their chapter house may purchase a University board contract at the regular residential board rate. Upper-division students living in a residence hall may petition to move into a Greek chapter house at the end of their first semester of membership, if space permits. All members who wish to move into a Greek chapter house must complete a notification form that may be obtained from the Residence Life and Housing in University Commons Suite 354. The form must be approved by the chapter president and the Dean of Campus Life or designee.

Room and board fees for Greek chapter houses vary slightly among the groups. These fees are not charged or

collected by the University and housing grants and scholarships do not apply to these facilities. Housing fees for Greek chapter facilities are the express responsibility of local, regional, or national housing corporations that own these facilities. However, approved chapter facilities are considered affiliated properties and on-campus housing. Therefore, all University policies apply to students residing in these facilities. This includes risk management, fire safety, and alcohol/drug policies and standards.

SECTION IX: STUDENT CONDUCT PROCESS

Emergency authority and temporary regulations: Because situations may arise that are not fully covered by these Standards, the Vice President for Student Affairs, Student Conduct Officer, or the Vice President for Student Affairs' designee is granted the authority to exercise good judgment in emergency situations and to issue temporary rules and regulations to prohibit inappropriate student conduct.

Section 9.1: Vision, Mission, and Philosophy

Vision

The Millikin University Student Conduct Process is committed to supporting a positive learning environment by challenging students to become democratic citizens in a global environment through thoughtful and developmental dialogue thereby increasing their potential for professional success and a personal life of meaning and value.

Mission

The Millikin University Student Conduct Process promotes respect, integrity, civil debate, and provides a focus on the greater good. In support of that focus, the process maintains policies and procedures committed to fairness, structure, timeliness, and education. Furthermore, Student Development, the entity that oversees the Student Conduct Process, interprets and disseminates information about student conduct policies and procedures to members of the University community.

Philosophy

The Student Conduct Process at Millikin University:

- Provides diverse methods for resolution of student conduct violations including facilitated dialogue, mediation, restorative justice, administrative and panel hearings;
- Ensures resolution occurs at the lowest level possible;
- Engages both the harming (perpetrator) and harmed (victim) parties in the resolution process; and
- Delivers conflict resolution, reflection, and positive communication skills through the resolution process.

Section 9.2: Learning Outcomes

Students who participate in the Student Conduct Process will be able to:

- Reflect on actions and decisions and their impact on others and the campus community.
- Develop strategies for participation in restorative practices.
- Locate and explain the Millikin University standards of conduct.

Section 9.3: University Student Conduct Process

Millikin University is a community of learners brought together to seek, share, and expand knowledge. The work of the community requires an environment of openness, trust, and civility. The Standards of Conduct described in this section are designed to help ensure such an environment exists within the Millikin Community. The policies described set forth the University's expectations for student and group (group of students, organization, or team) behavior and details conduct that is unacceptable and subject to student conduct action.

The University Student Conduct System does not attempt to replicate or mimic the criminal justice system.

Our system is based on the expectations we hold for student behavior. Our standard of proof for determining the occurrence of student misconduct is less than that required in criminal court proceedings. Specifically, if it is determined that more likely than not a violation of the standards has been committed, then the University reserves the right to enact the Student Conduct Process. Our goal is to educate students about the impact their behavior has upon the community and its members and to help them develop and practice acceptable behaviors and good citizenship in addition to repairing any established harm.

The Board of Trustees delegated the responsibility for student conduct within the community to the President of the University. The Student Conduct Officer is the administrative officer to whom student conduct responsibility is delegated by the Vice President for Student Affairs. The Student Conduct Officer has overall responsibility and authority to supervise the student conduct process at Millikin University, including overseeing the continued evaluation of both the process and procedures and training of appropriate boards and personnel.

Questions about the University Student Conduct System and proceedings should be directed to the Office of the Vice President for Student Affairs at CampusLife@Millikin.edu.

The examples of offenses defined under this section are examples of misconduct for which students may be subject to reparations, sanctions, and formal adjudication, including suspension or expulsion from the University.

Section 9.4: Jurisdiction

Standards of conduct are applicable to students anywhere on or off University-owned or affiliated property. University property is defined as all real property, both that which is owned or leased to and operated exclusively by the University and all property leased to or operated by student organizations which are under the jurisdiction and regulation of the University. The University does not desire to be a policing authority for the activities of students outside the University community; however, there are occasions when students' off-campus behavior is reviewed and sanctioned by the University. These occasions occur when students' off-campus conduct impacts the well-being of the community or adversely affects the environment of openness, trust, and civility. University involvement in students' off-campus behavior is to be determined by the Student Conduct Officer or designee appointed by the Vice President for Student Affairs.

The use of alcoholic beverages or other drugs will not relieve students of the responsibility for their actions. Students will be given every reasonable opportunity and all reasonable help to overcome any dependency; however, students will still be responsible for their actions.

Section 9.5: Standards of Conduct

Preliminary Provisions

These Standards of Conduct have been developed to promote student growth, to provide students with a fair student conduct process and educate the University community about the meaning of fair process, to protect the rights of parties involved, and to uphold the educational mission of the University.

Knowledge of Standards

All students are expected to make themselves familiar with these standards. Neither the use of alcoholic beverages or other drugs, nor unfamiliarity with these standards, shall excuse or relieve students from responsibility and accountability for their actions.

Section 9.6: Initiating Proceedings

Any individual member of the University community, a recognized organization of the University, or the Vice President for Student Affairs acting for Millikin University may initiate student conduct proceedings by submitting a report, in writing, that details an alleged violation of the standards of conduct. Student conduct proceedings are initiated by the student conduct officer sending a formal communication to the parties involved, letting the parties know a report has been filed and an investigation will commence. Proceedings related to non-academic violations may be initiated at any point during a student's career, which includes undergraduate and graduate careers.

Section 9.7: Relationship with Local, State, or Federal Authorities and Law Enforcement

Millikin University has an interest in student behavior separate from that of authorities/law enforcement, and therefore it has the right to exercise its responsibility to the campus community and take such action as is appropriate to protect this interest. The University reserves the right to enforce these standards whether or not authorities/law enforcement have acted. In those instances where authorities/law enforcement have acted, the University may still choose to respond to the incident and initiate the student conduct process while the other process is in progress.

Section 9.8: Parental Notification

Millikin University may elect to notify parents and/or legal guardians of a student's conduct status when a student, under the age of 21, is found responsible for a violation of the University's alcohol and/or drug policy or when any student is suspended or expelled from the University.

Section 9.9: Categories of Behavior Covered by Standards

Listed below are the categories of behavior covered by these Standards of Conduct and subject to investigation and resolution through the Millikin University Student Conduct Process.

Section 9.9a: Title IX Sexual Harassment and Other Related Prohibited Sexual Conduct

Title IX Sexual Harassment

Millikin University is committed to creating and maintaining a safe learning and working environment free of sexual harassment or other prohibited conduct on the basis of sex. Millikin University is committed to complying with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA).

Millikin has adopted policies and procedures that are intended to ensure that all students, faculty, and staff impacted by an incident or complaint of sexual harassment or other prohibited conduct on the basis of sex receive appropriate support and fair treatment, and that allegations are handled in a prompt, thorough and equitable manner. Discrimination under Millikin's policies will not be tolerated by Millikin University and is grounds for

disciplinary action, up to and including, permanent dismissal from Millikin University and/or termination of employment.

Scope of Policies

Millikin University has the following two applicable grievance procedures and policies relating to sexual harassment and discrimination under federal law.

1. **The Title IX Sexual Harassment Policy (“Title IX Policy”)** covers the subset of sexual harassment that must be addressed under a defined formal grievance process required by Title IX Regulations. The Title IX Policy applies to sexual harassment as defined by the Title IX regulations (see Section 2 of the linked policy) that occurs in a Millikin “education program or activity,” which is defined by the Regulations to include locations, events or circumstances over which Millikin exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Millikin, if such conduct occurs in the United States.

Sexual harassment and other prohibited conduct on the basis of sex that falls outside of the Regulations’ definitions and jurisdictional criteria but otherwise meets the policy’s definitions, such as off-campus conduct, conduct outside of the United States, sexual exploitation and many forms of verbal harassment, is governed by the procedures outlined in the Student and Employee Handbooks.

2. **The Title IX Non-Harassment Discrimination Policy** governs allegations of sex discrimination that *do not* involve sexual harassment or other prohibited conduct on the basis of sex.

Sexual Harassment Contact Information

For inquiries about the application of these policies, concerns about non-compliance, or to file a complaint or report, please contact Millikin’s Title IX Coordinator:

Todd Ray, Chief Human Resources Officer (CHRO) & Title IX Coordinator

Email: taray@millikin.edu
Office: Shilling 205
Phone: 217-362-6416

For more information about Title IX, please visit our website at <https://millikin.edu/about/administration/human-resources/title-ix>. Upon receipt of a report of potential sexual harassment or other prohibited conduct on the basis of sex, the Title IX Coordinator will promptly contact the complainant to discuss their rights and options, the processes for potentially filing a formal complaint, and available supportive measures.

Concerns can also be reported to the Deputy Title IX Coordinator or Title IX Specialist, each of whom will promptly coordinate with the Title IX Coordinator. The Deputy Title IX Coordinator and the Title IX Specialist, along with their contact information, are:

Wallace Southerland, VP of Student Affairs and Deputy Title IX Coordinator

Email: wsoutherland@millikin.edu
Office: Office of the Vice President for Student Affairs, University Commons, Suite 354
Phone: 217-424-6395

Brittany Gates, Title IX Specialist
Email: bgates@millikin.edu

Section 9.9b: Other Related Prohibited Sexual Conduct (Non-Title IX)

Millikin University's Student Handbook and Code of Conduct addresses Sexual Harassment and other prohibited sexual conduct that falls outside of the Title IX Regulations' jurisdictional criteria (i.e., off campus conduct, conduct that occurred outside of the United States) and is otherwise defined in this Handbook.

Defined Prohibited Sexual Conduct Under the Student Handbook and Code of Conduct:

The following conduct is prohibited under the Millikin University Student Handbook and Code of Conduct and addressed according to the Procedures outlined in this section:

1. **Sexual Harassment** (Outside of Title IX Jurisdiction): means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity¹; or
 - c. Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.
2. **Sexual Assault**: means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.
3. **Rape**²: means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
4. **Fondling**³: means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.
5. **Incest**⁴: means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

¹A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal, or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, Millikin University will look at the totality of the circumstances, expectations, and relationships.

² Rape as defined in the Uniform Crime Reporting Program (UCR) includes:

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

³ Fondling is referred to as Forcible Fondling in the UCR.

⁴ Incest is a Nonforcible Offense in the UCR.

6. **Statutory Rape**⁵: means sexual intercourse with a person who is under the statutory age of Consent.
7. **Dating Violence**: means violence committed by a person—
- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship,
 - The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

8. **Domestic Violence**⁶ includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse or intimate partner of the victim,
 - a person with whom the victim shares a child in common,
 - a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - a person similarly situated to a spouse of the victim under the State's domestic or family violence laws, or
 - any other person against an adult or youth victim who is protected from that person's acts under the State's domestic or family violence laws.
9. **Stalking**: means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—
- fear for his or her safety or the safety of others; or
 - suffer Substantial Emotional Distress.
10. **Sexual Exploitation**: is defined as 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:
- Prostitution;
 - non-consensual video or audio taping of sexual activity;
 - allowing others individuals to observe sexual activity without the consent of all individuals involved in the activity;
 - engaging in voyeurism;
 - exposing one's genitals in non-consensual circumstances;
 - posting non-consensual evidence of sexual activity on any public forum (i.e., social networks and the internet);

⁵ Statutory Rape is a Nonforcible Offense in the UCR.

⁶ See Section 12 for Applicable Illinois State Laws.

- sexually-based stalking;
- knowingly transmitting a sexually transmitted disease or infection to another individual.

11. **Non-Title IX Sexual Harassment:** Unwelcome verbal or physical behavior, which is directed at an individual based on sex, when these behaviors are sufficiently severe, pervasive, or objectively offensive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment. Examples of conduct that can constitute sexual harassment if based upon an individual's sex include, but are not limited to:

- Unwelcome jokes or comments (e.g. sexist jokes);
- Disparaging remarks about sex, gender identity, or gender expression (e.g. negative or offensive remarks or jokes about an individual's self-presentation);
- Displaying negative or offensive posters or pictures about sex;
- Electronic communications, such as an e-mail, text messaging, and internet use that violate this Handbook.

Interim Supportive Measures

In cases of prohibited sexual conduct, students have the right to request reasonable interim supportive measures to include, but not limited to, change in class, housing, or work assignment. The University will provide these measures to the extent possible to provide a safe environment for students involved in reports of such misconduct.

Reporting Sexual Harassment and Other Prohibited Conduct:

All University employees are mandated reporters regarding Title IX Sexual Harassment, which means that each employee has an obligation to report the names of the alleged complainant(s) and respondent(s), as well as other individuals involved, to include all relevant facts regarding the alleged incident. You have the right to request that Millikin maintains your confidentiality as much as possible.

You may report any instance of Sexual Harassment or other Prohibited Sexual Conduct as follows:

- **Title IX Sexual Harassment Reports may be directed to:**

Todd Ray, Chief Human Resources Officer (CHRO) & Title IX Coordinator

Email: taray@millikin.edu

Office: Shilling 205

Phone: 217-362-6416

Wallace Southerland III, Ph.D., VP of Student Affairs and Deputy Title IX Coordinator

Email: wsoutherland@millikin.edu

Office: Office of the Vice President for Student Affairs, University Commons, Suite 354

Phone: 217-424-6395

Brittany Gates, Title IX Specialist

Email: bgates@millikin.edu

- **Other Prohibited Sexual Conduct Reports may be directed to:**

Nicole DeLiberis

Office: Office of the Vice President for Student Affairs, University Commons, Suite 354

Phone: 217-424-6395

Email: ndeliberis@millikin.edu

Wallace Southerland III, Ph.D., VP of Student Affairs and Deputy Title IX Coordinator

Email: wsoutherland@millikin.edu

Office: Office of the Vice President for Student Affairs, University Commons, Suite 354

Phone: 217-424-6395

- **To make an anonymous report**, you may use any of the following options:
 - Call the Campus Conduct Hotline on (866) 943-5787
 - Use the Campus Conduct web portal to file a report at <https://millikin.edu/campus-life/campus-life/student-resources/campus-conduct-hotline>
 - Send an email to TitleIX@millikin.edu.
- **To make a confidential report**, contact Growing Strong Sexual Assault Center 217-428-0770 or the Millikin Student Mental and Behavioral Health Services (SMBH – pronounced “Simba.”) at 217-424-6360.
- **Electronic reports** can be submitted to TitleIX@millikin.edu. Electronic reports will be responded to in a timely manner.
- **Individuals can file a complaint** with the Office for Civil Rights (OCR) either along with or instead of filing a complaint with the University.
- **To make a report to local law enforcement**, either along with or instead of filing a report with the University, contact Millikin Public Safety at 217-464-8888 or Decatur Police Department at 217-424-2711.

Note: If you are not sure with whom to make a report, you may report to any individual listed above. The report will be evaluated by the University to determine if the Student Handbook and Code of Conduct or the Title IX Sexual Harassment Policy retains jurisdiction over the report and respond accordingly.

Section 9.9c: Amnesty Policy for Reports of Title IX Sexual Harassment and Related Prohibited Sexual Conduct

Millikin University encourages reporting of sexual harassment or prohibited sexual conduct 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 harassment or other prohibited sexual conduct, 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.

This policy only governs University alcohol and/or drug violations and does not prevent action by police or other legal authorities. However, Millikin University policy supports the amnesty provision.

Section 9.9d: Retaliation

Millikin University protects students and alleged victims by prohibiting retaliation from other parties or the alleged accused. The Student Conduct process protects students who have made a complaint of sexual harassment, or who have participated in the investigation as a witness. Millikin University will respond to any report or fear of retaliation in accordance with the procedures outlined in the this Student Handbook and Code of Conduct.

Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sexual harassment, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

Section 9.9e: Seeking Medical Attention and Support

The University's initial concern is for the survivor's physical well-being. Students who have been victims of sexual harassment or other prohibited sexual conduct are strongly encouraged to seek medical treatment immediately at the emergency room at Decatur Memorial Hospital or St. Mary's Hospital. The hospital staff will contact the Growing Strong Sexual Assault Resource Agency and a Growing Strong survivor advocate will meet the survivor at the hospital. The Decatur Police Department may also be called. Since these types of violence are serious crimes, medical staff will identify and preserve evidence that a crime occurred.

Before a survivor seeks medical assistance, the following precautions are advised:

- **Do not** bathe or douche.
- **Try not** to urinate.
- If oral contact occurred, **do not** eat, drink, smoke, or brush your teeth.
- If you change your clothes, place the clothes worn during the assault in a paper bag (**plastic destroys evidence**).
- Since it is very important to check for internal or other injuries and sexually transmitted diseases, survivors who choose not to go to the emergency room are strongly encouraged to seek medical attention from the Millikin Health Center or a private physician.

Survivors can access University resources and support by contacting staff members in the offices listed below:

- Student Affairs, UC 354, 424-6395
- Student Wellness Services, Corner of Wood St. and Fairview Ave., 424-6360
- Public Safety, Walker Hall, 464-8888

Section 9.9f: Local Area Support Services

Al Anon and Alateen (for relatives/friends of problem drinkers)	423-8214
Alcoholism Division Heritage Behavioral Health Center	362-6262
Ambulance Service.....	428-8641
American Civil Liberties Union	312-201-9740
Centers for Disease Control.....	800-311-3435
Decatur Memorial Hospital	876-8121
Decatur Police Department (Emergency).....	911
Decatur Police Department (Non-Emergency).....	424-2711
Dove, Inc.....	428-6616
Growing Strong Sexual Assault Center	428-0770
Heritage Behavioral Health Center	362-6262
Legal Assistance Foundation... ..	423-0516
Macon County Health Department	423-6988

National Domestic Violence Hotline.....	800-799-7233
National Sexual Assault Hotline.....	800-656-4673
New Life Pregnancy Center	872-5556
Planned Parenthood	877-6474
Rape Hotline	428-0770
St. Mary's Hospital	464-2966

Section 9.11: Adjudication of Prohibited Sexual Conduct Violations

The University will use the Student Conduct procedures noted below for investigation and adjudication of Prohibited Sexual Conduct violations that *do not* fall under the Title IX Sexual Harassment Policy.

However, if the conduct is determined to fall within the scope and jurisdiction of the Title IX Sexual Harassment Policy, the procedures in that process will govern. For more information on this procedure, visit <https://millikin.edu/about/administration/human-resources/title-ix> or review the Title IX Sexual Harassment Policy included at the end of this Handbook.

Anchored in educational, student development, and restorative justice processes, we will employ a fair process with appropriate safety, well-being, and other considerations for both the complainant(s) and respondent(s). Additionally, investigations are conducted by individuals who receive annual training related to such complaints and in a manner that protects the safety of victims, provides equity, and promotes accountability for all parties involved.

Standard of Proof

We will use the preponderance of evidence standard to prove responsibility.

Process

Upon receiving a written complaint from the complainant(s) and in conducting investigations of and in facilitating student conduct proceedings of sexual misconduct violations, the University will:

- ☐ **Meet** with the complainant(s) to acknowledge receipt of the complaint and discuss and provide, as appropriate, interim support measures as outlined in this Handbook.
- ☐ **Provide** written notice of the alleged conduct to the respondent(s) and allow 10 business days for the respondent(s) to respond to the notice. Extensions may be granted based on compelling reasons and at the discretion of the assigned conduct officer or the Vice President for Student Affairs or designee.
- ☐ **Conduct** separate individual meetings with the complainant(s) and respondent(s) to explain the student conduct process and discuss safety and status of interim measures as appropriate.
- ☐ **Provide** a written statement of presumption on non-responsibility prior to commencement of proceedings.
- ☐ **Share** with both parties prior to any adjudication proceedings a written summary of relevant evidence with an allowance of ten (10 days) for parties to respond.
- ☐ **Provide** both parties with the opportunity to inspect evidence.
- ☐ **Provide** all parties involved with information on requirements for confidentiality.
- ☐ **Permit** both parties to have an advisor or support person of their choice at the proceedings and any related meeting. However, advisors, advocates, support persons, and attorneys may not participate in the process but may request breaks to support or speak with their student(s).
- ☐ **Provide** written notice to both parties of the time, place, participants, and manner of the adjudication process.
- ☐ **Permit** cross-examination and ensure that any formal hearing process involves both parties and is in-person or is facilitated virtually in a manner where both parties may see and hear each other in real time.
- ☐ **Provide** prompt written notice of the outcome and rationale to both parties simultaneously.
- ☐ **Provide** written notice of the appeal process to both parties.

Time Limitations

As long as sexual/gender-based misconduct survivors remain enrolled at Millikin University, there is no time limitation for them to report complaints and receive services from the University. While there is no time limit for filing a complaint of sexual assault, survivors are reminded that the University retains jurisdiction over individuals if they remain enrolled or employed by the University.

When the Alleged Respondent is Not A Student

If the sexual/gender-based misconduct survivor is a student, but the alleged perpetrator is not an MU student or employee, Student Affairs and the staff of Growing Strong will provide the survivor with information and support through the civil or criminal justice process. University resources are available to survivors of sexual assault regardless of the alleged perpetrator's connection or lack of connection to the University.

Students who feel they may have committed sexual/gender-based misconduct may contact any of the resources listed above for referral to campus or off-campus support services.

Students are advised that some acts of sexual/gender-based misconduct as defined here may constitute a violation of Illinois statutes. Survivors may choose to pursue their complaints through the criminal and/or civil courts in addition to or instead of through the University's Student Conduct system. Legal procedures and proceedings can often be complex, puzzling, and time consuming. Survivors are encouraged to use the resources available through Growing Strong (legal advocates) and may wish to consult with an attorney.

Section 9.12: Examples of Offenses Against Another Person

- **Assault** is defined as any action intentionally or recklessly causing physical harm to any person, or those actions by which it is deemed that harm could potentially arise. Such offenses include but are not limited to the separate offenses defined below of sexual assault, harassment and/or hazing.
- **Hate Crimes** are committed when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, a person commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, or disorderly conduct.

The mere fact that the offender is biased against the victim's race, religion, disability, sexual orientation, or ethnicity/national origin does not mean that a hate crime occurred. The offender's criminal act must have been motivated, in whole, or in part, by his bias (Illinois State Police Uniform Crime Reporting Definition).

Hate Crimes are expressions or actions which victimize a person or group as identified above and have one or more of the following impacts:

- involves an expressed or implied threat to personal safety;
 - creates an intimidating, hostile, or demeaning environment; and/or
 - has the potential to harm an individual or group's ability to participate and/or fully engage in the curricular and/or co-curricular life of the University.
- **Hazing** is any action taken or situation created, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule, or activities that would be considered inappropriate or not in good taste. Hazing includes but is not limited to:

- any brutality of a physical nature, such as paddling, whipping, beating, branding, forced calisthenics, exposure to the elements;
- forced consumption of any food, liquor, drug or other substance;
- any other forced physical activity that would subject the individual to physical harm or mental stress, such as sleep deprivation or forced exclusion from social contact;
- forced conduct which could result in extreme embarrassment; and/or
- any other forced activity that would adversely affect the mental health or dignity of the individual.

Prohibited hazing activities are identified as forced or coerced activities which include but are not limited to the following:

- create excessive fatigue;
- cause physical and psychological shocks;
- involve kidnapping;
- involve morally questionable quests, treasure hunts, scavenger hunts, or any other such activities;
- involve publicly wearing apparel that is conspicuous and not normally in good taste or the wearing of matching uniforms or clothing;
- cause students to engage in public stunts and buffoonery, morally degrading or humiliating games and activities, or late-night activities which may reasonably interfere with scholastic activities; and/or
- are in contrast to accepted standards of good taste or propriety

For purposes of this definition, any activity described in this statement upon which the admission into or affiliation with an organization is directly or indirectly conditioned shall be presumed to be a forced or coerced activity, the willingness of an individual to participate in such activity notwithstanding.

Harassment is defined as behaviors or actions that annoy, intimidate, impede progress or have the effect of provoking anger, or otherwise interfere with the rights of another person or group of persons/organization.

Bullying is defined as acts that frighten, threaten or harm others. Bullying behavior can include harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft and public humiliation.

Cyber Bullying is bullying through email, instant messaging, social media platforms, chat room exchanges, Web site posts, or digital messages or images sent to a cellular phone or personal digital assistant (Kowalski et al. 2008). Cyber bullying, like traditional bullying, involves an imbalance of power, aggression, and a negative action that is often repeated.

Section 9.13: Examples of Offenses against Millikin

1. intentionally or recklessly interfering with activities sponsored by or affiliated with the University, including but not limited to studying, teaching, research, administration, fire prevention, police activities, emergency services, student organizations or activities, or another's exercise of freedom expression;
2. intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on Millikin premises or activities sponsored by or affiliated with the University;
3. intentionally furnishing false information to a University official; forgery; unauthorized alteration or unauthorized use of any University document, record (including computer records), or instrument of identification;
4. rioting, aiding, abetting, encouraging or participating in a mob action or inciting to mob action, when the conduct occurs on University or affiliated property or during a University activity;
5. failing to cooperate with the reasonable requests of University officials, including campus security officers, when acting in performance of their duties;
6. failing to fulfill the requirements of any outcome or reparations imposed by Millikin University;
7. violating any published or posted rules or regulations including, but not limited to, those set forth in this

handbook;

8. failing to appear at a student conduct hearing or inquiry when called to do so by Dean of Campus Life (or their designee);
9. intentionally or recklessly destroying, disfiguring, defacing, or damaging University property;
10. intentionally passing a bad or worthless check or money order in payment of any financial obligation to the University or in any way failing to meet the financial obligation to the University;
11. gambling on University property or affiliated property;
12. failure to take responsibility for the behavior of guests on University property or affiliated property, including but not limited to residence halls. A guest is defined as any person who is not a University staff, student, or faculty member. Students are responsible for the conduct of their guests/visitors; and

Section 9.14: Examples of Offenses Involving Property

1. intentionally or recklessly interfering with the property of an individual or group, including taking without permission, destroying, disfiguring, defacing, or damaging the property of an individual or group, or attempting to do such, on campus or at activities sponsored by or affiliated with the University;
2. theft of services, such as telephone or computer services, including copyrighted computer programs;
3. possessing stolen property;
4. occupying or using without authorization Millikin premises, facilities, or property;
5. using or attempting to use University property in a manner inconsistent with its designated purpose or without permission;
6. theft, mutilation or gross disregard of Millikin property such as library or laboratory facilities or equipment; and
7. unauthorized use of living or dead animals in any activity or gathering on University property or at approved University activities that may be off-campus.

Section 9.15: Examples of Offenses of Possession

1. unauthorized use, distribution, or possession of any controlled substance, illegal drug or drug paraphernalia on Millikin premises or at activities sponsored by or affiliated with the University;
2. unauthorized possession, distribution, or reckless use of any prescription medication;
3. violation of the University's Alcohol Policy
4. violation of the Drug Free Schools Act;
5. unauthorized use, possession, or storage of any firearms on Millikin premises or at activities sponsored by or affiliated with the University; and
6. unauthorized use or possession of fireworks or explosives on Millikin premises or at activities sponsored by or affiliated with the University.

Section 9.16: Examples of Offenses of Criminal Conduct

Actions that violate the laws of the federal government, the State of Illinois, or the City of Decatur.

Section 9.17: Examples of Other Offenses

No code of conduct can anticipate every possible situation that will pose a threat to the University community. Therefore, any action that violates reasonable standards of expected human behavior or that reasonably threatens the safety or academic environment of the campus will also be considered a violation of these Standards of Conduct.

Section 9.18: Campus No Contact Orders (CNCOs)

The Vice President for Student Affairs, Student Conduct Officer, or a conduct board may direct a student to have no contact with another individual for a specified period. This action is described as a “Campus No Contact Order.” This directive is not a legal order, and may be stated in writing before, as a result of, or after the final meeting/hearing regarding the violation. In some cases, this directive may be in effect outside of the initiation of any student conduct proceedings. The University will also assist students wishing to pursue civil orders of protection.

To promote a safe and healthy learning, living, and working environment, the existence of a no contact order may be shared with individuals *who need to know*. For example, faculty, athletic coaches, supervisors may be informed that a CNCO exists between students so that those students are not in close contact with each other and are not placed in situations where they may be alone.

Students may inform anyone who needs to know about the existence of a CNCO including appropriate people in registered student organizations (RSOs).

CNCOs are not intended to deny any student access to University benefits, resources, opportunities, and experiences.

Section 9.19: Summary Sanctions

The Vice President for Student Affairs, Student Conduct Officer, or Vice President for Student Affairs’ designee shall have the authority to suspend a student's right to attend classes or to be present on campus, or on other property owned, operated, controlled by, or affiliated with the University prior to the conduct of a formal hearing. A student so sanctioned must leave the campus immediately.

Such action may be taken if the deciding administrator is satisfied that serious misconduct has occurred and/or that the student's continued presence on the campus presents unreasonable risk of danger to himself/herself and/or to the community. Students may have other sanctions imposed on a summary basis, as noted above, including, but not limited to, suspension from a campus position (including employment), prohibition against participation in a University activity, prohibition against presence in a residence hall, or a restriction from contacting, communicating, or otherwise interfering with the activities or privacy of another member or members of the Millikin community.

Following the imposition of a summary sanction, a hearing will be conducted to determine whether the student should be reinstated and the summary sanctions removed.

Section 9.20: Student Conduct Sanctions for Individuals and/or Groups

Individuals or groups (group of students, organization, or team) found guilty of violation(s) of these standards of conduct may receive a student conduct warning, probation, suspension, or expulsion. They may also receive additional reparative measures as outlined below. The action of expulsion shall be permanently recorded on the University transcript. The Registrar will confirm the suspension by sending a letter with the transcript stating that the student has been suspended. The Registrar will send out information about no other disciplinary action other than expulsion or suspension.

- **Section 9.20a: Student Conduct Warning.** A student conduct warning is a written statement of a student's or group’s responsibility for a violation of this code of conduct with the caution that any future incident may result in more serious action. Other reparative measures may be imposed along with the warning.

- **Section 9.20b: Student Conduct Probation.** Student conduct probation is the conditional continuation of a student or group for a specified period. The period of student conduct probation shall not exceed two semesters (a semester being defined in this context as a spring or fall academic term to include any adjacent immersion periods). This status implies that further incidents may result in student conduct suspension or expulsion. Other reparative measures and additional requirements may be imposed as conditions for reinstatement in good standing.
- **Section 9.20c: Student Conduct Suspension.** Student conduct suspension is the removal of a student or group from the University for a continuous period not to exceed seven semesters (a semester being defined in this context as a spring or fall academic term to include any adjacent immersion periods). Students or groups on suspension are not permitted to:
 - participate in any University activities, academic or nonacademic;
 - represent the University in any manner;
 - take part in any official activity or exercise, including graduation; or
 - visit Millikin premises (owned, operated, or affiliated) during suspension unless prior approval has been granted by the Student Conduct Officer.

Any request for the privilege of visiting Millikin University during suspension must be received by the Student Conduct Officer in writing seven days prior to the date the privilege is desired. Submission of a request does not guarantee approval.

Students requesting permission to re-apply upon passing of the suspension period must schedule a meeting with the Student Conduct Officer prior to being granted approval to apply for re-enrollment to the community. Additional requirements may be imposed as a condition for reinstatement to the community in good standing.

- **Section 9.20d: Student Conduct Expulsion.** Student conduct expulsion is the permanent separation of a student or group from the University. Students or groups who are expelled may not be reinstated to the community.
- **Section 9.20e: Other Action.** Additional reparative measures may be applied to cover specific conditions or situations. Measures that suspend students' privileges shall have a set time of duration indicating when and under what conditions students may regain the privilege. The following are examples of reparative measures; however, the student conduct process allows for other measures to be applied by student conduct officers. The reparative measures below should not be perceived as an exhaustive list.
 - restitution or replacement of lost, damaged, or stolen property;
 - payment for damage or personal injury
 - suspension of privileges to participate in any activity sponsored by the University
 - suspension of privileges to use certain University facilities
 - suspension of rights to represent the University
 - suspension of rights to occupy a position or office in a group or organization officially recognized by Millikin University
 - restrictions regarding membership in a group or organization officially recognized by Millikin University
 - service learning, community service, and/or philanthropy
 - work to be assigned by the Vice President for Student Affairs or designee
 - referral for alcohol or drug abuse assessment and/or counseling
 - mandatory periodic meetings with a University staff member or counselor;

- restorative justice circle with involved parties
- mediation with involved parties
- change in or termination of residential housing assignment
- required attendance at University programs and/or events
- written reflections
- planning and implementation of programs, publicity, or presentations

Section 9.21: Administrative Structure for Student Conduct

The Vice President for Student Affairs has the overall responsibility and authority to supervise the student conduct process. Included in this responsibility is the training of personnel (namely the student conduct officers and hearing panel members), and the continued updating and review of all related student conduct policies and procedures. The Vice President for Student Affairs also stewards the education of the campus community in relation to the Standards of Conduct.

The Student Conduct Officer(s) and the professional staff in Student Affairs have been delegated the authority to counsel, guide and assist in the development of those students who have been involved in conduct which is in opposition to the student code of conduct of Millikin University.

Student conduct officers partner with Millikin University Public Safety in relation to the safety and security of persons and property on the campus. Public Safety will assist with student conduct cases primarily in the form of investigation procedures and evidence management.

Student Affair staff members may be required, in specific student conduct proceedings, to serve as the people to present evidence and call harmed parties in an effort to provide the deciding body with all relevant information.

Under the authority of the Vice President for Student Affairs, the Student Conduct Officer or other designee has the right to decide how a case will be heard, or which student conduct officer(s) will preside over a specific case. This decision will be made in the best interest of the parties involved. Under extraordinary circumstances, student conduct procedures may be revised to protect the psychological or physical needs of students.

Section 9.22: Request for Appeal

Students found responsible for a violation of any code of conduct may request an appeal of the decision made by a student conduct officer or conduct board. An appeal is not a re-hearing and must fit within the guidelines listed below.

Appeals must be submitted in writing to the Vice President for Student Affairs or designee within seven business days of the conduct decision. A one-time extension may be granted for up to an additional seven business days. Appeals may not be faxed.

Appeals must clearly demonstrate at least one of the following:

1. New Information of a Substantive Nature: New, significant or relevant information regarding the case becomes available that could not have been discovered through investigation prior to the time of the original conduct meeting/hearing. Information is not considered new if the student did not attend the original conduct meeting/hearing or voluntarily withheld information during the original conduct meeting/hearing and/or investigation.
2. Substantive Procedural Error: The specified procedural error or error in interpretation of University conduct procedures may have substantially affected the conduct meeting/hearing such that the student was denied a fair conduct meeting/hearing, or the error prevented the hearing officer or panel from

making a fair decision. For sexual misconduct proceedings, this appeal category also includes instances where there is evidence that the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents that affected the outcome of the case.

3. Substantive Disproportionate Sanction: The sanction appears to be significantly incongruent with the violation, given either the student's prior record or the usual action for the offense.

After reviewing the appeal, options may include:

- Adjusting the sanction
- Reversing the sanction
- Organizing a new hearing

The appeal decision is final.

For all cases involving Title IX violations, the Vice President for Student Affairs & Deputy Title IX Coordinator will be the appellate provided doing so does not conflict with the Title IX policy and procedures which will take precedence. For cases in which the Vice President for Student Affairs makes the original student conduct decision, another Vice President or other appropriate individual may act in the appellate role described in this section.

Section 9.23: Right to be Informed

Students suspected of conduct in opposition to the Millikin University Standards of Conduct will be informed of their University procedural rights by a University representative within 14 University standard business days.

Section 9.24: Procedures for Administrative Student Conduct Meetings

A meeting conducted by the Student Conduct Officer or designee. Depending on the circumstances of the violation and discretion of the Student Conduct Officer or the Vice President for Student Affairs, meetings may involve one or two conduct administrators and, in some cases, in conjunction with other University officials, working directly with the parties involved in the conduct. Multiple conduct meetings may be necessary to repair the harm established. Additionally, involved parties shall be active participants in recommending reparative actions. Less severe conduct cases are not notated on student transcripts and are not released to a third-party as serious misconduct (e.g., graduate school applications, requests for transfer recommendations, employer references).

Depending on the severity of the conduct case, the Student Conduct Officer may involve a student conduct board panel of three to five individuals. As appropriate, a written statement of harm established may be prepared. Such as statement will contain a summary of the facts or conduct on which the student conduct case is based, date of the alleged incident(s), and the University regulation(s) allegedly violated.

In all conduct cases, it is the University's desire to ensure the full rights of fair process. Therefore, students or groups who participate in the student conduct process are given a statement that explains these rights.

Within fair process, involved parties may choose one of three courses of action:

- Involved parties may admit the alleged conduct and request, in writing, that the University official take whatever reparative measures seem appropriate.
- Involved parties may admit the alleged conduct and request a student conduct meeting or board hearing.
- Involved parties may deny the alleged conduct and request a student conduct meeting or board hearing.

At various times of the year, it may be difficult to call a conduct panel hearing. During these times, cases are determined through an administrative hearing with the Student Conduct Officer or designee identified by the Vice President for Student Affairs. These times are:

- The first two weeks of each semester
- The last two weeks of each semester
- Periods between semesters (holiday and summer breaks)

The parties involved are entitled to the following information prior to the student conduct meeting or hearing:

- Written explanation of the student conduct process
- A written statement of conduct in question
- A statement of presumption of non-responsibility
- Notification of the right to an advisor/support person
- The right to inspect evidence
- Notification of the time and place of the meeting or hearing
- Notification of the names of the witnesses to appear, if applicable.
- Notification of the names of the members of the conduct board

The parties involved may appear in person at the meeting or hearing and may call witnesses on their behalf. Involved parties may also elect not to appear. Should parties involved elect not to appear, the meeting or hearing will be held in the party's absence. Failure to appear will not be indicative of guilt and is noted without prejudice by the student conduct panel.

In cases where findings may result in suspension or expulsion, parties may opt to have an advisor or support person of their choice attend.

While the parties involved may be extended the option to be accompanied by an advisor and/or support person of their choice, this individual may only counsel/advise involved parties at the meeting or hearing in a reasonable and undisruptive manner. Advisors/support persons may not participate in the meeting or hearing by making statements, questioning witnesses, or making procedural objections, unless otherwise allowed by the hearing convener.

If the parties involved would like an advisor/support person present, it is their responsibility to submit such a request to the Student Conduct Officer at least five (5) business days prior to the meeting or hearing.

In hearings involving more than one student, separate or private hearings may be allowed upon request and/or determination of the Student Conduct Officer or designee. An exception to this procedure is in cases of sexual misconduct. Any violation of Title IX requires in-person or simultaneously virtual hearings, with cross-examination.

During hearings, the parties involved:

- may ask questions of the student conduct panel or of any witnesses to the alleged conduct.
- may refuse to answer questions (without implication of guilt).
- are entitled to an expeditious hearing of their case pending the availability and schedules of personnel.
- are entitled to an explanation of the reasons for any decision made against them.
- will be notified of the right to appeal a student conduct decision.

Section 9.25: Standard of Proof

During deliberations, the student conduct officer or hearing panel will determine whether it was more likely than not that a violation occurred. Neither clear and convincing evidence nor proof beyond a reasonable doubt is necessary to find a student or group responsible for conduct. The University uses the *preponderance standard* for determining all misconduct, including violations of Title IX.

SECTION X: POLICIES AND STANDARDS

General Policy: The University reserves the right to impose penalties, to deny entry or re-entry, and to exclude those whose behavior falls short of satisfactory levels of social, moral, or academic standards. In unusual and extraordinary circumstances where the emotional or physical welfare of a student or of the University community is in jeopardy, it may become necessary to suspend or dismiss that student, regardless of time of year or the student's class standing. Under such circumstances the University will seek appropriate professional advice before taking action. See also the [Undergraduate Catalog](#).

The University's policies and procedures should be developed within the broadest possible participation of members of the academic community; that participation should rest on the basis and aims of the University's philosophy and its stated objectives.

Section 10.1: Academic Accommodations

Please refer to the [academic accommodations](#) website and the [accessibility and special requests](#) (e.g., service animals, housing, and web connect) website for the most up-to-date information and resources.

Section 10.2: Alcohol at Student Activities

Alcohol at student functions is prohibited on University-owned, rented, leased, or affiliated property. Greek chapter houses are exempt from this policy, but other policies and procedures must be followed as noted on the proper forms for approving activities. Requests to have events approved must indicate if alcohol will be present at on- or off-campus student activities. The University reserves the right to impose additional requirements for approved off-campus activities involving alcohol even if such activities are not held in University-owned, rented, leased, or affiliated property.

University Position

The University deplors the abuse of alcohol, intoxication, and unacceptable conduct related to alcohol consumption. Excessive drinking and intoxication will not be tolerated and will be sanctioned. Students who choose to consume alcohol will be held fully responsible for their behavior while under the influence of this drug. Loss of control because of intoxication does not excuse or justify violation of any University policy; federal, state or local laws; or the rights of others.

Purposes

Millikin University acknowledges that there are activities attended by students where alcohol may be consumed. So that these activities may be reasonably governed and promote responsible conduct with respect to alcohol consumption, this policy is established to conform with federal and state laws and in keeping with the mission of Millikin University.

This policy is designed to:

- encourage a philosophy of moderation with respect to the use and consumption of alcohol;
- encourage the individual to consider the potential consequences of alcohol use;
- cultivate an environment in which choosing not to consume alcohol is socially acceptable;
- prohibit intoxication and discourage the thoughtless use of alcohol;
- limit the use and role of alcohol so that it is not the prime focus of campus life or social activities.

Definitions

Alcohol: Alcohol is defined as beer and wine only. Distilled spirits are expressly prohibited at student social activities and events and in the residence halls, apartments, or in Greek chapter houses.

Intoxication: Intoxication is defined as having a blood alcohol content of .08% or more and/or offensive, disruptive, destructive, hazardous, and/or vulgar conduct during or following the consumption of alcohol.

Policy Statements

1. Possession, use, or serving of alcohol by persons under 21 years of age is prohibited.
2. Furnishing alcohol to persons who are under 21 years of age is prohibited.
3. Being intoxicated in public or a public area and/or being disorderly or destructive during or following the consumption of alcohol is prohibited.
4. The sale of alcohol without a license is prohibited. "Sale" includes charging admission to any activity where alcohol is served, even if the beverage is provided free of charge to those who have gained admission after paying an admission fee.
5. Misrepresenting one's age for the purpose of purchasing or consuming alcohol is prohibited. This includes, but is not limited to, the use of false identification.
6. Those of legal drinking age (21 years of age or older) may possess, consume, or serve alcohol in the following University locations:
 - a. inside residence hall rooms and private apartments of students who are of legal drinking age when all those present in the room are also of legal drinking age;
 - b. on Greek premises, but only in accordance with the respective national organization policies, University policies, and federal, state, and local laws;
 - c. in other areas, by permission of the University President's Office.
7. Kegs (including cooler balls) and/or any other common or "community" sources of alcohol distribution in University residence halls, fraternities, sororities, and apartments are prohibited. Kegs and/or any other common sources of alcohol are not permitted at registered events unless there is an approved third-party vendor.
8. Alcohol drinking contests shall not be included in any social event or activity.
9. Alcohol shall not be served at membership recruitment functions (fraternities/sororities rush, department clubs, athletic teams, special interest groups, etc.).
10. The University Alcohol Policy applies to all Millikin University students, guests, and employees during the time they are on campus or at student sponsored events, whether on or off campus.

11. Neither Millikin University's name, seal, logo, nor the names of organizations affiliated with the University may be used with any commercial sponsorship relating to alcohol: i.e., beer distributors, bars, or beverage companies without prior approval from Marketing and Media Relations.
12. Student organizations may sponsor and must register with the Office of Office of Campus Life on or off-campus events at which alcohol (beer and wine) are sold and/or offered for consumption.
13. Any off-campus events that imply or express University affiliation are bound by this policy, this includes but is not limited to sponsorship by or use of name of any registered student organization.

State and Federal Laws

Millikin University holds its students responsible for the observance of state and federal laws with respect to alcoholic beverages. These laws prohibit consumption of alcoholic beverages by anyone less than 21 years of age. These laws also make it unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone less than 21 years of age or to an intoxicated person, to consume them in a public place, or to misrepresent one's age to obtain alcoholic beverages. Further, it is unlawful for anyone 21 years of age or older, except a parent or guardian, to sell or furnish alcoholic beverages to anyone under the age of 21. (Illinois (235 ILCS 5/) Liquor Control Act. Federal law: Drug Free Schools and Communities Act, 1990)

Awareness Education

A University-wide commitment to alcohol education exists. The use and abuse of, and dependence on, alcoholic beverages is an issue that is of concern to Millikin University as well as society at large. To this end, education becomes the responsibility of the entire campus community and includes an individual's peers and any student organization sponsoring an event where alcohol may be consumed.

At the discretion of the Vice President for Student Affairs or designee, student organizations requesting and receiving approval for activities where alcohol may be consumed may be required to have organizational leaders attend a University-sponsored alcohol education activity prior to event.

Further, members of the University community are assured that the absence of alcohol from social events is an acceptable practice.

Implementation

1. All events co-sponsored or sponsored by student organizations where alcohol may be consumed, whether held on or off-campus, are to be properly registered with the Office of Campus Life or designated office (University Commons 354).
2. The completed registration form must be submitted to the Office of Campus Life or designated office at least 72 hours prior to the activity. Registration of an activity does not constitute University approval of the activity.
3. Since many individuals choose not to consume alcohol at any function where alcohol is served, the sponsoring organization must also provide non-alcoholic beverages in sufficient quantity to meet the needs of attendees to the activity. Likewise, a variety of non-salty foods is required and must be available to all guests throughout the activity.
4. Publicizing activities where alcohol may be consumed must be done in such a way as to bring credit to the sponsoring organization and the University. Such publicity must focus on the purpose of the activity and not on the availability of alcohol. The Office of Campus Life or designated office must approve publicity.

5. At any activity where alcohol may be consumed, legal proof of age must be presented to those in charge of the event and/or alcohol distribution.
6. At any activity where alcohol may be consumed, University approved security must be present. The Office of Campus Life or designated office and the Director of Public Safety will assist organizations in securing security officers. The sponsoring organization will be responsible for the costs of the security officer(s) attending the activity. Specific procedures and guidelines for security at registered events are available in the Office of Campus Life or designated office.
7. Student organizations that sponsor activities where alcohol may be consumed may have only Millikin University students and their invited guests in attendance. Millikin University students must present a valid MU identification card to gain admission to the event. An official guest list must be attached to the registration form submitted to the Office of Campus Life or designated office. A limit on the number of guests may be imposed by the Office of Campus Life or designated office. This limit will be driven by risk management and applicable fire and life safety codes.
8. The Office of Campus Life or designated office has the right to amend event registration policies at any time with notification one semester.

Section 10.3: Bias Incident

Millikin University is committed to creating a campus culture that respects and values inclusion, diversity, equity, accessibility, and a sense of belonging (IDEAS). The work of our community requires an environment of openness, active listening, trust, respect, civility, and genuine understanding. The Bias Incident Policy described below is designed to help ensure that such an environment exists within the Millikin community.

The University establishes proactive and positive processes that encourage and allow for the reporting and investigation of discriminatory or biased actions. Anyone—students, faculty members, staff members, and administrators—can be impacted or harmed by a biased action. Similarly, anyone can engage in an action that harms another Millikin member’s well-being or presents barriers to success. Thus, anyone who is impacted or harmed by a biased action is strongly encouraged to call or submit a report through the [Campus Conduct Hotline](#) to initiate the process of education, accountability, reconciliation, reparation, and restoration.

Policy

Bias based on one’s difference which has the impact of harming, shaming, or excluding individuals from University processes, activities, opportunities, benefits, or educational experiences is prohibited at Millikin University. Members of the Millikin community who believe they have witnessed or been subjected to a bias incident should report that incident as instructed below.

- **Employees:** Human Resources, 217.362.6416, hr@millikin.edu
- **Students:** Office of the Vice President for Student Affairs, 217-424-6395.
- **Any member of the campus community, visitors, volunteers, and contractors:** [Campus Conduct Hotline](#), 866-943-5787.

Definition

A bias incident is conduct, speech, images, or expression that may demonstrate bias or discrimination based on actual or perceived identity characteristics, including race, ethnicity, national origin, economic class, religion, sex, sexual orientation, ancestry, language, color, ability, mental health, age, gender identity or expression, military status, or other difference. Bias incidents may be intentional or unintentional. A bias incident does not need to rise

to the level of a violation of policy or the law to be reported and addressed.

Section 10.4: Drug Free Schools Act

The following information is presented in compliance with the Drug-Free Schools and Communities Act Amendments of 1990.

Millikin University prohibits the possession, use, or distribution of illegal drugs on the campus property or on institutionally owned, leased, affiliated or otherwise controlled property. Millikin University permits the use of alcohol, but only insofar as such use is permitted by, and in accordance with, the University's Alcohol Policy and state and federal law.

Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver or sell, or possess with intent to manufacture illegal drugs or controlled substances. The penalty imposed depends upon many factors, including the type and amount of controlled substance involved, the number or prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines.

Health risks associated with the use of illegal drugs include increased susceptibility to disease due to a less efficient immune system, increased likelihood of accidents, personality disorders, addiction, and death by overdose, anemia, and poor concentration.

The use of alcohol can lead to serious health risks, including, but not limited to the following: loss of muscle control; poor coordination; slurred speech, fatigue, nausea, headaches, increased likelihood of accidents, impaired judgment; possible respiratory paralysis, and death. Heavy drinking can lead to alcoholism; damage to brain cells; increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of liver, mouth, throat, and stomach; hallucinations; and personality disorders. Additional information about how the use of drugs and or alcohol affects your health is available at the health center.

Faculty, staff, and students are encouraged to familiarize themselves with resources available in the Decatur area for substance abuse, counseling, and treatment. In addition, counseling services at the University's Counseling Center are available to assist students with substance-related problems faculty and staff may have access to The Employee Assistance Program. The Health Center respects the confidential nature of information shared by participants in its programs. Members of the staff of Student Development may also be available to suggest referrals to substance abuse and/or rehabilitation agencies.

Millikin University will impose sanctions against individuals who are determined to have violated the Alcohol Policy or the University's rules prohibiting the use, possession, or distribution of illegal drugs.

Sanctions for students who use, possess, sell, or distribute illegal drugs or who violate the University's Alcohol Policy include, but are not limited to the following: warnings; disciplinary probation; and in appropriate cases, suspension and/or expulsion from the University. Students will also be held responsible for any damage that results from their misconduct or violation of these policies. In addition, residence hall students may be removed from the housing system for the use or possession of illegal drugs. Referral for criminal prosecution may be made in appropriate cases.

All employees, including students, agree as a condition of employment to abide by this policy and the Alcohol Policy. Employees who use or possess illegal drugs or violate the University's Alcohol Policy in the workplace may be terminated. Additionally, employees are required to notify the institution of any drug conviction resulting from a violation in the workplace no later than five days after the conviction.

Section 10.5: Smoking, Vaping, and Tobacco

Millikin University buildings are smoke, vape and tobacco free. Tobacco use includes but is not limited to use of cigarettes, cigarillos, cigars, hookahs, pipes, and smokeless tobacco. Vaping includes the use of any device that allows vapor into the air, to include vape pens, e-cigarettes, e-pipes, e-hookahs and e-cigars. Use of tobacco, smoking or vaping products is only permitted outside of buildings at least 25 feet away from any entrance. This policy applies to all University students, employees, temporary employees, interns, volunteers, contractors, consultants and campus visitors. All University owned, operated and affiliated premises as well as University vehicles are included in this policy. Violation of this policy will result in employee disciplinary and/or student conduct action.

Section 10.6: Bicycles, Rollerblades and Wheeled Devices

Bicycles and scooters are convenient forms of transportation on campus as well as in the community, but it is necessary to secure these devices with a strong case-hardened lock and tempered steel chain. Please do not park these devices where it may be an inconvenience or hazard to others or where it interferes with access to a building in the event of a fire. Chain them securely to a bike rack.

For safety reasons, bicycles, scooters, skateboards, rollerblades and any other wheeled device – with the exception of medical devices, are not permitted in residence halls or other campus buildings. Bicycles and scooters may not be stored inside any campus building at any time. Electronic forms of transportation such as e-scooters, e-bikes, hoverboards, or other battery- or electric-powered devices are not permitted for storage within residence halls.

Section 10.7: Technology

Applicable Policies

All members of the campus community may routinely use University-owned computers, software, networks, and computerized information. The technology is used to further University-related research and educational activities. Additionally, some individuals may have special administrative or technical responsibility for a computer, network, or database.

The following technology policies apply to all members of the campus community and exist to protect users and the University. To learn more about the policies, click the appropriate link.

- [Technology Acceptable Use Policy](#)
- [Account Creation and Deletion for Students, Employees, Alumni and Retirees](#)
- [Electronic Communication Policy](#)
- [Music and Video File Sharing Policy for Students and Employees](#)
- [Email for Life Policy for Alumni](#)
- [Network Use Policy](#)

University Responsibilities

The University owns most of the computers and the entire internal computer networks used on campus. The University also has various rights to the software and information contained on, developed on, or licensed for these computers and networks. The University has the responsibility to administer, protect, and monitor this aggregation of computers, software, and networks.

Specifically, the purposes of the University's information technology management are to:

1. Establish and support reasonable standards of security for electronic information that community members

produce, use, or distribute, and protect the privacy and accuracy of administrative information that the University maintains.

2. Protect University computers, networks and information from destruction, tampering, and unauthorized inspection and use.
3. Ensure that information technology resources are used to support activities connected with instruction, research, and administration.
4. Delineate the limits of privacy that can be expected in the use of networked computer resources and preserve freedom of expression over this medium without countenancing abusive or unlawful activities.
5. Ensure that University computer systems do not lose important information because of hardware, software, or administrative failures or breakdowns. To achieve this objective, authorized systems or technical managers may occasionally need to examine the contents of particular files to diagnose or solve problems.
6. Communicate University policies and individuals' responsibilities systematically and regularly in a variety of formats to all parts of the University community.
7. Monitor policies and propose changes in policy as events or technology warrant.
8. Manage computing resources so that members of the University community benefit equitably from their use. To achieve this, authorized staff may occasionally need to restrict inequitable computer use, including shared systems or the network. For example, the University reserves the right to restrict users from using any program that is unduly resource-intensive.
9. Enforce policies by restricting access in case of serious violations. For example, in appropriate circumstances, authorized systems administrators may find it necessary to lock a user's account. In such circumstances, if there is not a resolution within 24 hours, the systems administrator or the user should refer the matter to the appropriate official for follow-up and resolution. (See section on Sanctions for more details.)

The Individual's Responsibilities

Millikin University supports networked information resources to further its mission of research and instruction and to foster a community of shared inquiry. All members of the University community must be cognizant of the rules and conventions that make these resources secure and efficient. It is the responsibility of each member of the University community to:

1. Respect the right of others to be free from harassment or intimidation to the same extent that this right is recognized in the use of other media or communications.
2. Respect copyright and other intellectual-property rights. Unauthorized copying of files or passwords belonging to others or to the University may constitute plagiarism or theft. Modifying files without authorization (including altering information, introducing computer viruses or Trojan horses, or damaging files) is unethical, may be illegal, and may lead to sanctions.
3. Maintain secure passwords. Users should establish appropriate passwords in the first instance, change them occasionally, and not share them with others.
4. Use resources efficiently. Accept limitations or restrictions on computing resources — such as storage space, time limits, or number of resources consumed — when asked to do so by systems administrators.

5. Recognize the limitations to privacy afforded by electronic services. Users have a right to expect that what they create, store, and send will be seen only by those to whom permission is given. Users must know, however, that the security of electronic files on shared systems and networks is not inviolable—most people respect the security and privacy protocols, but a determined person can breach them. Users must also note that, as part of their responsibilities, systems or technical managers may occasionally need to diagnose or solve problems by examining the contents of files.
6. Learn to use software and information files correctly. Users should maintain and archive backup copies of important work. Users are responsible for backing up their own files. They should not assume that files on shared machines are backed up. If users choose to participate in a backup service, they should become familiar with the schedules and procedures of that service. They also should learn to use properly the features for securing or sharing access to their files.
7. Abide by security restrictions on all systems and information to which access is permitted. Users should not attempt to evade, disable, or “crack” passwords or other security provisions; these activities threaten the work of others and are grounds for immediate suspension or termination of privileges and possible, additional sanctions.
8. Student-owned computers which are connected to the network are required to have an update anti-virus program installed. If any student-owned computer becomes a security or virus threat to the network, Information Technology has the right to restrict its access to the network, including file sharing or student-operated services in residences.

Millikin University extends these principles and guidelines to systems outside the University that are accessed via the University’s facilities (e.g., electronic mail or remote logins using the University’s Internet connections). Network or computing providers outside Millikin University may also impose their own conditions of appropriate use, for which users at this University are responsible for adhering to.

Examples of Misuse

The following list, while not exhaustive, characterizes unacceptable behavior which may be subject to disciplinary action:

- Use of any University facility in a manner that violates copyrights, patent protections, or license agreements.
- Attempts to gain unauthorized access to any information facility, whether successful or not. This includes running programs that attempt to calculate or guess passwords, or that are designed and crafted to trick other users into disclosing their passwords. It also includes electronic eavesdropping on communications facilities.
- Any violation of state or federal law.
- Any action that invades the privacy of individuals or entities that are the creators, authors, users, or subjects of information resources.
- Using electronic mail, talk or other programs as pranks or in a threatening, obscene, or harassing manner.
- Masking the identity of an account or machine or in any manner misrepresenting your identity in an email or other electronic communication.
- Sending chain letters or sending advertisements, solicitations, or mass mailings to individuals who have not agreed to be contacted in this manner.
- Posting on electronic bulletin boards materials that violate existing laws or the University’s codes of conduct.
- Using the campus network to gain unauthorized access to any computer systems.
- Knowingly performing an act which will interfere with the normal operation of computers, terminals, peripherals, or networks.
- Knowingly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes but is not

limited to programs known as computer viruses, Trojan horses, and worms.

- Attempting to circumvent data protection schemes or uncover security loopholes.
- Attempting to monitor or tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.
- Usage of network resources (computers, software, networks, printers, plotters, scanners, etc.) or your account for commercial purposes.
- Using the electronic bulletin board system for promotion of a personal, for profit, business.
- Using the announcements listserv for discussions or personal opinions.

Activities will not be considered misuse when authorized by appropriate University officials for security or performance testing.

Sanctions

Individuals or groups who act in a manner contrary to existing policy and accepted standards for computer use are subject to sanctions and disciplinary measures normally applied to misconduct or lawbreaking. Computing policy violations are handled by established University channels. In the first instance, such matters will be addressed by the appropriate computing administrators. Whenever it becomes necessary to enforce University rules or policies, an authorized administrator may prohibit network connections by certain computers (even departmental and personal ones); require adequate identification of computers and users on the network; undertake audits of software or information on shared systems where policy violations are suspected; take steps to secure compromised computers that are connected to the network; or deny access to computers, the network, and institutional software and databases. Users are expected to cooperate with investigations either of technical problems or of possible unauthorized or irresponsible use as defined in these guidelines; failure to do so may be grounds for suspension or termination of access privileges.

If the infringement is not settled in discussion with the computing administrator, a matter involving students will be referred to the Vice President for Student Affairs; a matter involving faculty will be referred to the department chair or dean; and a matter involving staff will be referred to the immediate supervisor, the manager of the unit, or an official in Human Resources. In addition, certain kinds of abuse may entail civil or criminal action as well.

For More Information

Additional questions relating to the computer security policy should be directed to Information Technology Department (217-362-6488).

Section 10.8: Employee/Student Relationships

Source: [*Employee Handbook*](#)

When an employee's professional responsibilities make it possible for them to influence the status or circumstances of a student, including but not limited to relevant administrative decisions and actions, a romantic and/or sexual relationships create an inherent conflict of interest and participating in such roles of influence is prohibited. When a conflict of this nature occurs, the employee must disclose the relationship so that a resolution to the conflict can be sought.

Romantic and/or sexual relationships between an employee and a student have the potential to pose risks to the employee, the student, and third parties. As a matter of sound judgment and professional ethics, all employees have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students. This policy defines the norms the University expects employees to observe if they are having or have had a romantic and/or sexual relationship with a student.

All amorous or sexual relationships between staff employees and students are prohibited when the staff employee has, or might reasonably be expected to have, responsibility for administering any aspect of the student's educational progress or experience, including but not limited to advising, coaching, counseling, approving accommodations, awarding financial aid, handling visa and immigration matters, administering residential housing, making enrollment decisions, or influencing internship or employment opportunities, even when both parties have consented to, or appear to have consented to, the relationship.

Relationships between students and their faculty, advisors, athletic coaches, deans, or any other university employees not holding positions of authority over students, must be conducted in a professional manner to prevent real, potential, or perceived conflicts of interest, exploitation, or bias. Under exceptional circumstances, the VP of an employee potentially in violation of this policy may request an exclusion from sanctions for violating the policy if there is a clearly defined plan designed to resolve and eliminate the real, potential, or perceived conflict. For example, a plan may be implemented to prevent a potential conflict of interest when a spouse has registered to take a class in a discipline where their spouse is a faculty member.

University employees who violate this policy will be subject to institutional sanctions ranging from simple reprimand, up to and possibly including termination of employment, in accordance with applicable employment procedures.

Section 10.9: Policy on Disclosure

Protection against improper disclosure of information is a serious professional obligation of faculty members and administrative staff, which should be balanced with their obligation to the individual student, the institution and society. Faculty and staff members will be free to participate in such professional consultation with their colleagues as it serves the welfare of the student. Information may be provided concerning a student's competence and fitness for a given task, including relevant judgments of character, to other people within the University who have legitimate grounds for seeking information. But free inquiry and free expression, which are vital to good education, may be jeopardized by indiscriminate disclosure of information about student's attitudes, beliefs and political associates which may be acquired in the course of teaching, advising and counseling students. For additional information, please refer to the **Records Policy**.

Section 10.10: Freedom of Access to the University

Although the University is affiliated with the Presbyterian Church (USA), it is nonsectarian in its admission practices and welcomes qualified students who reflect a wide range of economic, social, religious and ethnic backgrounds.

University facilities are open to all students and their guests. To maintain University-community relationships the following guidelines are established:

- Millikin University facilities are first for the members of the academic community and second for their guests and visitors.
- People using University facilities are expected to obey all University regulations and local, state and federal laws.
- On request, identification shall be shown to authorized University officials. If such a request is refused, all appropriate action will be taken, including possible detention, removal or ban from campus

Section 10.11: Freedom of Association

Students bring to the campus a variety of interests previously acquired, and they develop many new interests as members of the academic community. They are free to organize and join associations to promote their common interests consistent with the publicly stated policies of the University.

Affiliation with an extramural organization should not disqualify a student organization from institutional recognition. At the same time, all actions of a student organization should be determined by vote of only those people who hold bona fide membership in the University community.

Campus organizations, including those affiliated with an extramural organization should be open to all students without respect to race, creed, sexual orientation or national origin. Students and student organizations will be free to examine all questions of interest to them and to express opinions publicly or privately. They also will be free to support causes by an orderly means that do not disrupt the regular and essential operation of the University. It should be clearly understood by both the academic and larger community that in their public expressions, students or student organizations speak only for themselves.

Section 10.12: Student Protest and Demonstration

Purposes

The purposes of this policy are to: provide rules and guidelines for members of the campus wishing to organize or participate in demonstrations on the Millikin University campus or in any building rented or owned by the University; outline the expectations for, and obligations of, any student planning or holding a protest or other public demonstration on property owned or controlled by the University ("University Property"); and establish clear, content-neutral time, place, and manner rules for campus demonstrations. The rules set forth in this policy ensure that public expression does not disrupt University operations or impede the ability of Millikin campus community members to learn, work, and live amicably on our small campus.

Scope

This policy applies to any student protest or other public demonstration. This policy does not apply to events requiring indoor space or outdoor activities that have a purpose other than public expression, including tabling; such events and activities continue to be governed by policies and procedures related to registering routine student events and activities.

Guiding Principles Related to Institutional Mission

Millikin University is committed to academic freedom, civil discourse, open inquiry and the exchange of the widest range of ideas, free from institutional orthodoxy, coercion, or retaliation. This commitment is vital to Millikin's educational mission of "prepar[ing] students for professional success, democratic citizenship in a global environment and a personal life of meaning and value." Although the University, as a private institution, is not subject to the First Amendment of the U.S. Constitution, we cherish and seek to closely follow the principles of the First Amendment to emphasize our commitment to the important values of free expression.

Members of the campus community may peacefully assemble, demonstrate and protest on University property typically treated as public common spaces. However, the University reserves the right to limit, disallow or disband an event, assembly, demonstration or protest which incites or advocates for violent action, or which represents a clear and present danger to the general campus community or demonstrators. Further, action which materially disrupts the mission or business of the University may result in the dispersal of a demonstration.

Consistent with our commitments, individuals are encouraged to express their personal views while on the Millikin campus regardless of their points of view provided they follow all Millikin University policies.

Employees must also ensure that their expression does not interfere with their required job duties or ability to perform those job duties in service to a diverse community.

Expression may take the form of campus demonstrations provided individuals follow the reasonable, content-neutral time, place, and manner restrictions for campus demonstrations set forth in this policy. These restrictions have long been permitted under the First Amendment, and they are designed to ensure that demonstrations are conducted safely and do not interfere with the rights of others to speak, study, teach, learn, work, and live in our campus community. Importantly, if students engaging in demonstrations follow this policy, they will comply with the Millikin Student Code of Conduct, and their demonstration activities will not subject them to student conduct proceedings unless they violate other campus policies.

Definition(s)

This policy applies to any protests or demonstrations on campus defined as a group of people coming together in an audible, non-silent event of public expression, including for the purpose of conducting a non-silent vigil. Examples include, but are not limited to, any campus assembly, gathering or activity that can be reasonably defined as a march, parade, protest, picketing, or sit-in.

Policy Statements

Campus protests and demonstrations on University property must be reviewed and approved in accordance with procedures below at least seven business days prior to the date(s) of the protest or demonstration. Additional policy statements are as follows:

- The University reserves the right to designate the time, manner, and appropriate areas for protests or other public demonstrations on University Property.
- No action may endanger the safety or security of the University community, infringe upon the rights of members of the community, obstruct access to University facilities or spaces; damage property; disrupt normal University operations; or otherwise violate applicable laws or University policies.
- Participation in a student protest or other public demonstration is restricted to members of the University community. Individuals who are not members of the University community will be instructed to leave campus and are subject to criminal charges.

Rules and Procedures for a Safe Protest and Demonstration

The following rules and procedures are intended to ensure a smooth and successful protest or demonstration. Additional procedures may be added to ensure safety and protection of property.

- A student or organization planning a protest or other public demonstration on University property must contact the Office of the Vice President for Student Affairs (“OVPSA”) (studentaffairs@millikin.edu) for information, resources, guidance and permission. Protests or demonstrations on campus properties may not be publicized by organizers until clearances have been received from the OVPSA.
- An Application to Register Student Protest and Demonstration must be submitted to the OVPSA or designee for review and approval at least seven business days before a protest or demonstration is expected to occur. No student protest or other public demonstration can occur without prior authorization from the OVPSA or designee. A student protest or other public demonstration may be permitted provided it is peaceful, non-obstructive and respectful of the University's educational mission and the rights of other students, faculty, employees and University guests.
- At least one representative of record must be present throughout the entire protest or demonstration. This

representative must be ready and able to connect with and effectively communicate with University officials if concerns arise. A representative of record is defined as an event advisor, the RSO advisor, or a student officer or designee of the organization.

- No student protest or other public demonstration will be permitted to occur overnight on University Property.
- Structures such as tents are prohibited.
- For safety and to protect University property, the directives of University officials must be followed at all times. A University official is any Millikin employee authorized to provide direction, guidance, and instructions during protests and demonstrations, including student employees.
- Disruptive conduct on University property is prohibited. Disruptive conduct includes, but is not limited, to the following:
 - **INTERFERING** with University operations, activities, and/or events, including the rights and activities of other students, faculty, employees, and/or University guests.
 - **PREVENTING** access to or egress from offices, building or other University property in accordance with applicable laws, regulations and University policy.
 - **FAILING** to comply with the directions of University officials and/or local and state officials, including directions to leave a facility or space.
 - **CREATING** the threat of physical harm to persons or damage to University Property or invading the personal space of other students, faculty, employees, and/or University guests.
 - **EXCEEDING** building and/or reasonable outdoors site capacities as determined by the University.
 - **EXCEEDING** noise levels and/or interfering with or disrupting University operations and activities, including the rights and activities of other students, faculty, employees, and/or University guests.

In general, a protest or other public demonstration inside a University building, by its very nature, would be disruptive to the occupants of the building, including facilities designated as residence halls, and thus will not be permitted.

Any students engaging in disruptive or disorderly conduct, failing to comply with the directions of a University official, or otherwise violating this Policy, the Student Code of Conduct or any other University policy, will be subject to disciplinary action, up to and including immediate, interim suspension pending hearing and/or expulsion from the University, and/or criminal charges.

- Demonstrations that violate any University policy may be discontinued, either at the direction of the Vice President for Student Affairs (or designee) in consultation with the Office of Public Safety and the Administrator (or designee) of the office administratively responsible for the space in which the assembly, demonstration or protest is occurring, or at the direction of Millikin University Police Department (“MUPD”).
- For safety reasons and to maintain compliance with the Americans with Disabilities Act, blocking entrances to or exits from buildings, impeding or obstructing others' free movement throughout campus, engaging in harassing behavior, materially interrupting or interfering with University business functions, or remaining in buildings after the close of regular hours of operation is prohibited.

- For safety and security reasons, demonstrators are not allowed to enter residence halls; private offices; research facilities; laboratories; spaces where classes or private meetings are being held or immediately scheduled to be held; libraries; facilities or areas containing valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student related or personnel-related records, or financial records; emergency facilities; any facilities housing communication systems, security, utilities; or other facilities or services vital to the business functions of the University.
- If a Dispersal Order read by a University official is not followed, a representative of the MUPD will read the same Order. Demonstrators must comply with instructions and leave the immediate area. If necessary and determined by MUPD, additional law enforcement may be requested to assist with dispersing crowds.

Non-compliance

Individuals refusing to comply with requests from University officials or law enforcement may be subject to disciplinary actions in accordance with the Student Handbook for students and the Employee Handbook for employees.

Related Resources

- University Student Conduct
- Student Handbook
- Application to Register Student Protest and Demonstration

Section 10.13: Freedom of Expression

The professor in the classroom and in conferences should encourage free discussions, inquiry and expression. Students should be evaluated solely based on their academic performance, not on their opinions or conduct in matters unrelated to academic standards. Students are responsible for learning thoroughly the content of any course of study, but they will be free to take reasoned exception to the data or views offered and to reserve judgment about matters of opinion.

Section 10.14: Guest Speaker Policy

Recognizing the fact that members of the academic community bring with them varied interests, Millikin University is determined to encourage free discussion on subjects of interest to members of our campus community. It is essential that student organizations, recognized by the University, be free to select the persons they wish to invite as guest speakers with no restrictions designed directly or indirectly to control the viewpoints of the speakers other than those specified below.

The University sets down the following guidelines to insure the University against damage or interference with its overall educational program.

- The address of a guest speaker must not violate the restrictions on the freedom of speech that are imposed by law for public security.
- Views presented by guest speakers should be open to free discussion. Meetings addressed by guest speakers on subjects of public interest or concern, as distinct from the properly private business of the organization, should be made known to the University community prior to the appearance.
- Scheduling of guest speakers on campus should be done as far in advance as possible. Dates and times should be cleared through the Office of Campus Life or designated office. A minimum of two weeks should be allowed for this purpose. Any contracts related to the speaking events must also be reviewed by

the Office of Campus Life or designated office. Students may not sign contractual agreements.

- It is recommended that student organizations select guest speakers to promote the objectives of their organization; however, the student organizations are expected to use their best efforts to avoid publicity or public controversy harmful to the University. If a guest speaker is harmful to the University, the said organization may be subject to a reevaluation of the recognized standing of the organization.
- No student organization should wish to present a speaker if reliable reports of the speaker's address elsewhere demonstrates that the speaker resorts to accusations without supporting evidence or with false evidence, or that the speaker's language is abusive, indecent, or productive of disorder rather than thought.

Section 10.15: Grievance Policy

Academic

The proper process for students to address academic grievances is to work directly with their instructors. But should efforts with instructors not yield satisfactory or fair results, students should appeal academic matters to department chairs (or heads) or School Director, academic Deans, and, finally, to the Office of the Provost. The Provost may ask a team of individuals to review concerns and offer recommendations. Academic appeals conclude with the Provost.

Non-academic

The proper process for students to address non-academic grievances is to work directly with the individual staff member or office supervisor. But should efforts with staff members or office supervisors not yield satisfactory or fair results, students should appeal non-academic matters to the Office of the Vice President for Student Affairs (VPSA). The VPSA may ask a team of individuals to review concerns and offer recommendations. Non-academic appeals conclude with the Vice President for Student Affairs.

Section 10.16: Infectious Disease

It is the policy of Millikin University that all applicable federal, state and local laws pertaining to infectious or communicable diseases, all matters of public health, as well as those governing discrimination and privacy, should be appropriately observed and followed in the operation of the College. The University shall not discriminate on the basis that the individual has a chronic communicable disease.

Millikin University recognizes the right of every person to privacy and confidentiality and will not disclose any information regarding the health status of applicants, students, employees, or patients without prior written consent, except for in cases where the health and safety of a community member, or the community-at-large is at risk. In these cases, all attempts will be made to release as little information as possible. The release of this information will be made without use of identities, and shall be focused on encouraging individuals to seek medical advisement and/or testing.

Members of the campus community who have questions, concerns, or need support regarding infectious or communicable diseases should contact Human Resources at 217-362-6416 or the Student Wellness Services at 217-424-6360.

Section 10.17: Leadership in Registered Student Organizations (RSOs)

All students are expected to perform at their highest and best ability to be successful toward degree completion. Requirements for good academic standing can be found in the [Undergraduate University Catalog](#). Students who do not meet the University's good academic standing requirements are prohibited from serving in an executive officer capacity (president, vice president, secretary, and treasurer) in registered student organizations (RSOs). To serve in an executive officer capacity, students must have and maintain a minimum cumulative University GPA of 2.00. This requirement supersedes any previous GPA requirements and/or related policy statements.

Section 10.18: Millikin Name and Logo Use Policy

Student organizations must request approval to use the Millikin name, and/or Logo and/or names of campus facilities and/or organizations on any material. Written requests must be submitted to the Office of Campus Life or designated office and approved by the Marketing & Media Relations department before such materials are ordered or manufactured.

Section 10.19: Noise

Section 10.19a: General Courtesy

Millikin University and affiliated group facilities are located in close proximity to other members of the Decatur community. The playing of stereos and/or loud speakers can be disturbing to our neighbors, particularly late at night. Representatives of organizations sponsoring social events are encouraged to notify neighbors of the events and to be sensitive to their privacy. To maintain a desirable environment, all students are expected to respect the rights of their fellow students and the faculty by maintaining a reasonable limit on noise at all hours.

Any action deemed disruptive to the academic environment, to studying, classes, or the carrying forward of the University's business or properly authorized and scheduled events, will constitute an invasion of the rights of students and faculty. This policy expects courtesy and cooperation at all times. Greater support will be given to those requesting reasonable quiet than those individuals being loud. Please refer to the following as examples of expectations.

Section 10.19b: Residence Halls

- All students in University residence halls will observe quiet hours from 10 p.m. to 10 a.m., Sunday through Thursday and 12:00 a.m. to 10:00 a.m. on Friday and Saturday. At all times, students are expected to demonstrate courtesy for their neighbors.
- Students are permitted to play instruments and sing in their rooms as long as playing does not interfere with the studies of neighboring students. This includes warming up on any instrument including vocal. Practice rooms are available for student use in the Perkinson Music Center and are the primary location for instrumental and vocal practice and performance.
- At no time are students allowed to direct sound outside their room or place speakers in their windows or doorways.

Section 10.19c: Greek Chapters and/or Campus-Approved Apartments

- All music at outdoor events must end by midnight.
- At no time are students allowed to direct sound outside their room or place speakers in their windows.

Section 10.20: Records – FERPA, The Buckley Amendment

The [Undergraduate Catalog](#) contains additional and more detailed information and should be consulted.

In 1974, Congress enacted into law the Family Educational Records Privacy Act (FERPA). This act sets out requirements of educational institutions to protect the privacy of students and their records. Specifically, the act governs access to education records maintained by educational institutions and the release of information contained in those records. The act gives students enrolled in postsecondary institutions “ownership” and control of their educational records and in most circumstances information in students’ educational records will not be released without their written permission. Exceptions to the release and sharing of information are specified in the following section. Questions regarding FERPA should be directed to the Office of the Registrar (Gorin Hall Room 16).

General Principles Governing Use of Student Records

The following principles guide the professional staff of the University in the utilization of student records:

Section 10.20a: Need for records. Unless a demonstrable need for a record is established, which is reasonable and justifiably related to the basic purposes and necessities of the University, no record should be made or maintained.

Section 10.20b: Confidentiality. In its relationship with students, the University will consider confidential communications and records. This policy ensures that educational and counseling processes are carried forward in the most effective possible manner. The obligation of confidentiality is relative rather than absolute since there are considerations that can alter it. This obligation may lapse when the common welfare of the individual demands revelation, for example, in the case of suicidal preoccupation, expressed homicidal thoughts, actions or similar cases. Likewise, material which is already public or can easily become so is not bound by confidentiality.

Section 10.20c: Release of Information. The University may release information of a public or directory nature without the student's knowledge or consent on an individual basis. Examples of public/directory information include the student's name; student's home and campus address and telephone number; dates of attendance at the University; enrollment status (full- or part-time); major, degree earned, and age.

The acquisition and dissemination of information for records is based on a respect and concern for the privacy and protection of the individual student. All the persons handling records shall be advised of the confidential nature of such information and their responsibilities in this regard. Evaluation and interpretative information about a student shall only be interpreted by a professional and qualified staff person.

In accordance with FERPA, students may request that directory/public information not be released. Students wishing to withhold directory information (see section 3 above) must complete and submit a written request to the Registrar by Tuesday, August 22, 2017. Forms for this purpose are available in the Registrar's Office.

Requests for public or directory-type student data from agencies outside the University which are not considered educational institutions shall be referred to the student-faculty directory when deemed appropriate. The student-faculty directory is the private property of Millikin University and will be restricted as such. It will not be released to non-educational agencies without permission of the Vice President for Student Affairs or the University Registrar.

Providing the following student information or material is available, it may be released without the student's knowledge or consent on an individual basis.

Section 10.20d: Request from Prospective Employers - The University will respond to inquiries for non-public or non-directory-type information only with the written consent of the student involved.

Section 10.20e: Request from Other Educational Institutions - The University will send transcripts to other educational institutions only with the written consent of the student concerned. If a present or former student applies for admission to another educational institution, the University may provide the educational institution with requested disciplinary information with the consent of the student.

Section 10.20f: Investigators Representing Private or Governmental Agencies

Unless an investigator has written authorization from the individual who is the subject of an investigation, we will disclose only public information about that individual. We require, therefore, that the investigators obtain an authorization prior to visiting the University for the purpose of investigating a student's or former student's records.

If the investigator has written authorization or if there are questions of interpretation, he should be referred to the Office of the Vice President of Student Affairs.

Section 10.20g: Requests From Faculty Members – Faculty members may request information contained in permanent academic records when needed in discharge of their official duties. Faculty members may request confidential information (1) with the student's consent or (2) when they are mutually involved with a counselor, dean or other authorized person concerning the student.

Section 10.20h: Information about Organizational, Political, Racial or Religious Affiliation - Organizational membership is not recorded in student records unless the student expressly requests inclusion of such information, and this information is released only if the student so requests. Information relative to an individual's race or creed may be provided under circumstances directed by law. Information about student views, beliefs and political associations which professors acquire in the course of their work as instructors, advisors and counselors should be confidential. Protection against improper disclosure is a serious professional obligation. For communication with the University, student organizations are required to provide the Office of Campus Life or designated office with the names of the officers to whom communications are to be directed.

Section 10.20i: Academic Achievement – Academic eligibility of students being considered for admission or re-admission to the University, participation in intercollegiate athletics, membership in honor societies or for honors, awards or scholarships, and campaigning for student government positions may be furnished to the individuals or committee responsible for making such decisions. Students involved in or seeking involvement in Greek social organizations may sign a consent form permitting the organization to receive academic information for eligibility requirements and chapter scholastic reports.

Section 10.20j: Research Information – Researchers have the right to study human phenomena and the responsibility to seek the cooperation of individuals and the University in a manner which clearly respects the right of privacy and the protection of anonymity. The confidentiality of the individual's record is paramount. When there is any doubt about the identity of the student or the consent of the data being safeguarded, the person's consent to use it should be formally obtained.

Section 10.21: Change in Name or Address

Any student whose name or address is changed must report such changes to Telephone Services, Shilling 105, (217-424-5066) within five business days of the change to ensure accuracy and timely usage or publication of the new name or new address.

Section 10.22: Student ID Card

Your student identification card (ID) is a card with your picture on it and identifies you as a currently enrolled student. You will use your ID card for meals in the cafeteria and at other dining outlets. You will also need your card to access the University library, campus computer labs, the DISC, and a host of other services. You should always carry it with you while you are on campus. Your card also serves as the entrance key to your residence hall and/or floor.

Replacement Procedures

- You must immediately report the loss of your ID card to Public Safety at 217-464-8888 to protect yourself and your community.
- The report of a lost card means the account is deactivated and no longer valid. It will remain invalid until the card is reported as found or until a replacement card is acquired.
- The student's University account will be charged \$15 to replace a lost ID. There is no charge for revalidating a lost card if it is found before a replacement ID card is made.

- The University is not responsible for flex dollars lost or used when a card has been lost.

Section 10.23: Weapons

Weapons, explosives, or other hazardous objects are strictly prohibited to ensure the safety of our students. Weapons prohibited by this regulation shall include, but not be limited to, the following:

- All handguns, rifles, and shotguns;
- All longbows, crossbows, and arrows;
- All knives having a blade length of three inches or more
- All BB guns, pellet guns, air/CO2 guns, or blow guns;
- All fireworks;
- All explosives, laboratory chemicals, dangerous compounds, gunpowder, firearm ammunition, and flammable petroleum fuels;
- Any martial arts weapons, e.g., nun chucks, swords, and throwing stars; and
- Any item used as a weapon in the commission of a crime;

Section 10.24: Solicitation and Demonstration by Non-University Affiliated Individuals, Groups, or Organizations

Section 10.24a: Definitions

- **Section 10.24a(i): Solicitation** is defined as offering for sale, barter, or gratuitously goods, materials, or services. Solicitation also includes asking for donations, attempting to obtain members, or seeking support for an organization/group by request, persuasion, or entreaty.
- **Section 10.24a(ii): Harassment** is defined as behaviors or actions which annoy, intimidate, impede the progress of, have the effect of provoking anger, or otherwise interfering with the rights of members of the Millikin University campus community and their guests.
- **Section 10.24a(iii): Non-University affiliated** is defined as individuals, groups or organizations with no recognized relationship or connection to Millikin University.

Section 10.24b: Required Authorization by Non-University Affiliated Individuals and Entities

Individuals, Groups, or Organizations not affiliated with Millikin University may not engage in demonstrations, distribute literature, advertise or otherwise solicit customers, seek donations, or make sales on campus without written authorization from the Vice President for Student Affairs (or designee). The written authorization shall be available to present to a member of the Millikin University Department of Public Safety or other University official upon request, during the time the individual or group is on campus.

Section 10.24c: Commercial Sales

Non-University affiliated businesses may conduct solicitations and sales only with authorization from the Vice President for Student Affairs (or designee). A recognized University student, faculty, or staff organization must request authorization for such activities. The authorization, when given, will be subject to such limitations as the Vice President for Student Affairs (or designee) may prescribe.

Section 10.24d: Charitable, Political, or Religious Demonstrations and Solicitations

As a general rule, representatives of off-campus political, religious or charitable groups will not be permitted to engage in demonstrations or solicit on campus. However, individuals acting on behalf of candidates for public

office or of bona fide political, charitable, or religious organizations may obtain permission to demonstrate and/or sell or distribute their political, religious or charitable literature under the following guidelines:

- Authorization from the Vice President for Student Affairs (or designee) during normal University business hours at least 10 business days prior to the event to allow for proper institutional planning.
- If authorized, public demonstrations and/or sale or distribution of political, religious, or charitable literature may be restricted to certain locations designated by the Vice President for Student Affairs (or designee).
- As a general rule, demonstrations and/or the sale or distribution of political and religious literature will be allowed during the hours of 9:00 a.m. to 4:00 p.m. seven days a week.

The number of non-University affiliated people who, at any time, will be authorized to demonstrate and/or sell or distribute literature for any particular political candidate or religious group will generally be limited to two at any one location and to six on the campus as a whole. The number of times which non-University affiliated persons will be permitted to demonstrate and/or sell or distribute literature will generally be limited to four times per month. In special situations, such as an approaching election, more frequent visits may be authorized by the Vice President for Student Affairs (or designee).

The total number of people demonstrating and/or distributing or selling literature at any one time will be limited. When several non-University affiliated groups wish to demonstrate and/or sell or distribute literature at the same time or in the same location, in accordance with general University policy, preference in use of campus facilities will be given to members of the University Community. In acting on requests from non-University affiliated members of political, charitable, or religious groups and representatives of candidates, the individual or groups sponsored by members of the University community will be given preference.

Harassment of members of the University community by those demonstrating and/or selling or distributing literature or any activity/behavior outside the specific permission given by the Vice President for Student Affairs (or designee) will be cause for the immediate revocation of the authority to demonstrate and/or for the sale or distribution of literature. Upon revocation, such people will be required to leave the campus in a timely and reasonable fashion. If such people fail to leave the campus as requested, the University reserves the right to take legal action to remove such people from the campus.

Decisions regarding requests under these guidelines will take into account any special circumstances relating to University activities or events, and the burden that authorization to demonstrate and/or sell or distribute literature may place on the University's Department of Public Safety and administrative staff.

Section 10.25: Involuntary Withdrawal

To promote a safe living, learning, and working environment, the University reserves the right to withdraw a student involuntarily.

1. A student will be subject to involuntary administrative withdrawal from Millikin University, or from University housing, if it is determined, by a preponderance of the evidence, that the student is suffering from a mental or emotional disorder, and, as a result of the mental or emotional disorder:
 - a. Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others;
 - b. Engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impede the lawful activities of others;
 - c. Engages, or threatens to engage, in behavior which significantly disrupts or diminishes the academic process or the reasonable rights or expectations of other University students; (For purposes of this policy, "academic process" includes, but is not limited to, the following

- activities: studying; teaching; classroom discussions; and research.);
- d. Engages, or threatens to engage, in behavior rendering the student unable to meet reasonable University standards.

The above standards do not preclude removal from the University, or University housing, in accordance with provisions of the residence hall occupancy agreement, or other University rules or regulations.

2. The Vice President for Student Affairs, in consultation with the Behavioral Intervention Team (BIT) or similarly named body, may refer a student for evaluation by a licensed medical professional, if it is reasonably believed that the student may meet the criteria set forth in part one, or if a student subject to student conduct charges wishes to introduce relevant evidence of any mental or emotional disorder.
3. A student subject to an administrative withdrawal will be given written notice of the withdrawal either by email, by personal delivery, or by certified mail and will be given a copy of these standards and procedures. The student will then be given an opportunity to appear personally before the Vice President for Student Affairs, or a designee, within two business days from the effective date of the interim withdrawal, to review the following issues only:
 - a. The reliability of the information concerning the student's behavior;
 - b. Whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others; causing significant property damage; directly and substantially impeding the lawful activities of others; causing significant disruption or diminishment of the University's academic process or the reasonable rights or expectations of other University students; or rendering the student unable to meet reasonable University standards; and/or
 - c. Whether or not the student has completed an evaluation, in accordance with these standards and procedures.
4. Students subject to an involuntary withdrawal will be offered an informal hearing before the Vice President for Student Affairs or a designee. The following guidelines will be applicable:
 - a. Students will be informed of the time, date, and location of the informal hearing, in writing, either by personal delivery or certified mail, at least two business days in advance.
 - b. The entire case file, including an evaluation prepared pursuant to part three of these standards and procedures, and the names of prospective witnesses, will be available for inspection by the student in the Vice President for Student Affairs office during normal business hours. The file need not include the personal and confidential notes of any institutional official or participant in the evaluation process.
 - c. The informal hearing will be conversational and non-adversarial. Formal rules of evidence will not apply.
 - d. Legal counsel may not attend or participate in the hearing unless the Vice President for Student Affairs otherwise reasonably believes that the attendance of legal counsel is warranted under the circumstances. In the event the student is allowed to have legal counsel, the role of counsel will be limited to providing legal advice to the student. Legal counsel will not be permitted to ask questions of any witnesses or make any statements at the hearing.
 - e. The Vice President for Student Affairs or designee will exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
 - f. The student may choose to be assisted by a family member and a licensed medical professional or, in lieu of medical professional, by a member of the faculty or staff of the institution.
 - g. Those assisting the student (except for legal counsel), will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.

- h. Whenever possible, the student will be expected to respond to questions asked by the Vice President for Student Affairs or designee. Students who refuse to answer on the grounds of the Fifth Amendment privilege may be informed that the Vice President could draw a negative inference from their refusal which might result in their dismissal from the institution, in accordance with these standards and procedures.
 - i. The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.
 - j. The Vice President or designee will render a written decision within five business days after the completion of the informal hearing unless additional time is reasonably necessary. The written decision will be mailed or personally delivered to the student, and it will contain a statement of reasons for any determination leading to involuntary withdrawal. The student will be told when a petition for reinstatement will be considered, along with any conditions for reinstatement
 - k. The decision of the Vice President, or designee, will be final and conclusive and not subject to appeal.
- 5. The Vice President or designee may expand or reduce the amount of time allowed to complete any portion of the withdrawal or hearing process if such deviation is necessary or in the best interests of the University or student.
 - 6. Other reasonable deviations from these procedures will not invalidate a decision or proceeding unless clear and significant prejudice to a student may result.

In circumstances where the emotional or physical welfare of a student or other members of the campus community is in jeopardy, it may become necessary to suspend or withdraw that student regardless of the time of year or the student's class standing. Under such circumstances, the University may seek appropriate medical advice to support the action.

Section 10.26: Medical Exceptions to the Withdrawal Policy

Consult the [Undergraduate Catalog](#).

SECTION XI: COMMUNITY RESOURCES

Note: Millikin University is not responsible for the quality of services provided by the services or resources below. We do not endorse a particular service or resource. Students and their families and supporters are expected to do additional due diligence to ensure the safety and reputation of providers.

[Chamber of Commerce](#)

[Decatur, Illinois](#)

[Banks in Decatur](#)

[Housing Resources](#)

[God's Shelter of Love](#) (Housing for women and children)

[Mass Transit](#)

Bus transportation is provided by Decatur Mass Transit District. Decatur Moves ride-sharing (beginning August 2025) is available for request via the Decatur Moves app on iPhone and Android within Macon County. Trolley transportation to and from downtown Decatur is provided by the Downtown Decatur Council. Schedule

information may be obtained by calling 217-424-2800. Students often pursue transit options via Amtrak in nearby cities such as Lincoln, Champaign, Springfield, and Bloomington.

To learn more about Decatur Transit, please visit <https://www.decaturl.gov/249/Transit>.

Microtransit

Microtransit transportation is a new uber-like service with low costs. To learn more about this service, please visit <https://decaturl.gov/567/Decatur-Moves---Microtransit> or call 217-424-2821.

Financial Resources

Northeast Community Fund

What started as a small food pantry has developed into a large social service organization. Since 1969 Northeast Community Fund has worked to strengthen and uplift individuals and families in our community by compassionately connecting them with resources and services in a caring, Christ-like manner. With the blessings of our community, we work to meet the basic needs of families, provide financial support to those in hardship and give resources to move people out of poverty. We are an organization of the community, for the community.

Illinois Department of Human Services

United Way of Decatur

Utility Customer Service

MILLIKIN UNIVERSITY TITLE IX POLICY - SEXUAL HARASSMENT

Section 1: Introduction

1.1 Policy Statement: Millikin University is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by Millikin University and is grounds for disciplinary action, up to and including, permanent dismissal from Millikin University and/or termination of employment.

1.2 Purpose: Millikin University takes all reported sexual harassment seriously. Millikin University will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct, harassment, and retaliation that does not meet the definitions and jurisdiction of this policy will be referred for review under the University Standards of Conduct process in compliance with VAWA and Clery Act.

1.3 Applicability: This Policy applies to students and employees as follows:

- a. **To Students:** Where the Respondent is a student at Millikin University the time of the alleged conduct, the alleged conduct includes Sexual Harassment or Prohibited Conduct under this Policy, the alleged conduct occurs in Millikin University's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Millikin University's Education Program or Activity.
- b. **To Employees:** Where the Respondent is an employee at Millikin University at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment or Prohibited Conduct under this Policy, the alleged conduct occurs in Millikin University's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Millikin University's Education Program or Activity.

1.4 Title IX Coordinator and Key Title IX Officials: The Title IX Coordinator is the Millikin University administrator who oversees Millikin University's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain Millikin University's policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate the Deputy Title IX Coordinator or one or more Title IX Specialists to facilitate these responsibilities.

Any member of the Millikin University community may contact the Title IX Coordinator with questions. Title IX Coordinator, Deputy Title IX Coordinator, and Title IX Specialist contact information are as follows:

Todd Ray, Title IX Coordinator
Email: taray@millikin.edu
Office: Shilling 205
Phone: 217-362-6416

Wallace Southerland, VP of Student Affairs and Deputy Title IX Coordinator
Email: wsoutherland@millikin.edu
Office: University Commons, 3rd Floor
Phone: 217-424-6395

Brittany Gates, Title IX Specialist
Email: bgates@millikin.edu

In addition to the above roles, Millikin University appoints investigators, decision-makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6 and 8 of this policy.

The Title IX Coordinator, Deputy Title IX Coordinator, Title IX Specialists, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Millikin University's website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinator, Title IX Specialists, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

1.5 Notification: Millikin University will use electronic mail (e-mail) for purposes of communication and notification under this Policy.

1.6 Free Speech: Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

1.7 Dissemination of Policy: This Policy will be made available to all Millikin University administrators, faculty, staff, and students online at <https://www.millikin.edu/about/administration/human-resources/title-ix> and in Millikin University student handbook and any employee handbook of operating procedures.

1.8 Effective Date: The effective date of this Policy is August 1, 2025.

1.9 Retaliation and False Statements Prohibited: Neither Millikin University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

- a. Alleged violations of Retaliation will be referred to an investigation process outlined in Section 11 of this policy.
- b. The exercise of rights protected under the First Amendment does not constitute Retaliation prohibited under this Policy.
- c. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

1.10 Amnesty: Reporting sexual harassment, harassment, discrimination, and related inappropriate conduct is encouraged at Millikin University. Thus, it is imperative that parties and witnesses share information without fear of potential consequences for certain violations of the student code of conduct including, but not limited to, underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report, unless the University determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk .

Millikin University offers parties and witnesses amnesty from such violations, but individuals may be responsible for other, more serious conduct that does harm or place the health or safety of any other person at risk. After granting Amnesty, Millikin University may offer educational or therapeutic opportunities for individuals in lieu of a finding of responsibility or punitive sanctions with the student regarding alcohol or controlled substances. This Section does not apply to reports to the police; rather, it applies only to discipline for violations of Millikin University's Code of Conduct.

1.11 Other University Policies: This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

1.12 Modification and Review of this Policy: Millikin University reserves the right to modify this Policy to take into account applicable legal requirements. Millikin University will regularly review this Policy to determine whether modifications should be made.

1.13 Additional Code of Conduct or Millikin University Policy Violations: Alleged violations of the student Code of Conduct or employee Standards of Conduct and/or the University Standards of Conduct that arise from the same events as alleged sexual misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

1.14 Standard of Proof: The burden rests with the University to prove that a violation of this Policy occurred by a Preponderance of the Evidence (more likely than not) standard.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy⁷

2.1.1 Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity⁸; or
- (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

2.1.2 Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest,

⁷ See Section 12 for Illinois State Laws related to Illinois State Law Definition.

⁸A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal, or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, Millikin University will look at the totality of the circumstances, expectations, and relationships.

and Statutory Rape as defined in this Policy.

2.1.3 Rape⁹ means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

2.1.4 Fondling¹⁰ means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.

2.1.5 Incest¹¹ means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

2.1.6 Statutory Rape¹² means sexual intercourse with a person who is under the statutory age of Consent.

2.1.7 Dating Violence means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship,
- The type of relationship,
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2.1.8 Domestic Violence¹³ includes felony or misdemeanor crimes of violence committed by:

- (1) a current or former spouse or intimate partner of the victim,
- (2) a person with whom the victim shares a child in common,
- (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- (4) a person similarly situated to a spouse of the victim under the State's domestic or family violence laws, or
- (5) any other person against an adult or youth victim who is protected from that person's acts under the State's domestic or family violence laws.

2.1.9 Stalking means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

⁹ Rape as defined in the Uniform Crime Reporting Program (UCR) includes:

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

¹⁰ Fondling is referred to as Forcible Fondling in the UCR.

¹¹ Incest is a Nonforcible Offense in the UCR.

¹² Statutory Rape is a Nonforcible Offense in the UCR.

¹³ See Section 12 for Applicable Illinois State Laws.

- fear for his or her safety or the safety of others; or
- suffer Substantial Emotional Distress.

2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

2.2.1 Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of verbal or physical resistance, or silence do not, alone, constitute Consent in general or as a result of the use of threat or force. Affirmative Consent must be an ongoing and freely given agreement to sexual activity and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of Consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct). A person consenting to sexual activity with one person does not constitute Consent to future sexual activity. A person's manner of dress does not constitute Consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
- (3) The Respondent knew, or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
 - unable to communicate due to a mental or physical condition
 - under the age of consent.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual 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.

2.2.3 Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the Complainant.

2.2.5 Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Actual Knowledge means Notice of Sexual Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

2.3.2 Business Day means any weekday not designated by Millikin University as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.3.3 Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.3.4 Confidential Employee means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant’s permission.

2.3.5 Confidential Advisor: means a person who is employed or contracted by a higher education institution to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of the Illinois Preventing Sexual Violence in Higher Education Act.

2.3.6 Disciplinary Sanctions are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

2.3.7 Education Program or Activity includes locations, events, or circumstances over which Millikin University exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Millikin University property, during any Millikin University activity, or in any building owned or controlled by a student organization that is officially recognized by Millikin University.

2.3.8 Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Millikin University investigate the allegation of Sexual Harassment.

2.3.9 Official with Authority means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator to initiate Millikin University's response to the Sexual Harassment allegations. Officials with Authority include:

- Title IX Coordinator and Deputy Coordinators
- Any Human Resources professional
- Deans
- Directors
- Department Chairs/Heads
- Supervisors
- Provost and other Vice Presidents
- Athletic Director
- Head Coaches
- Director of Public Safety/Chief of Police
- Assistant Director of Public Safety
- Board of Trustees Chairperson

A pattern of failing to follow through with the reporting responsibilities of an Official with Authority will result in disciplinary action.

2.3.10 Remedies are designed to restore or preserve equal access to Millikin University's Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

2.3.11 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

2.3.12 Responsible Employee means any individual who is employed by Millikin University and not deemed to be a Confidential Employee or Officials with Authority. Responsible Employees are expected by Millikin University to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of a Sexual Harassment.

A pattern of failing to follow through with the reporting responsibilities of a Responsible Employee will result in disciplinary action.

2.3.13 Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

2.3.14 Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to Millikin University's Education Programs or Activities without unreasonably burdening the other party, including measures designed to

protect the safety of all parties or Millikin University's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Section 3: Reporting Sexual Harassment and Preservation of Evidence

3.1 Reporting to Millikin University

3.1.1 Reporting to Title IX Coordinator: Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator in person at Shilling Administration Building, Suite 205. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

3.1.2 Reporting to Officials with Authority: If Officials with Authority are notified of Sexual Harassment, they shall promptly report such Sexual Harassment to the Title IX Coordinator who will take immediate action under this Policy.

3.1.3 Reporting to Confidential Employees: Millikin University employees who work in the offices listed below are considered Confidential Employees when they are operating under their respective licenses at the time the information was received. Reports made to Confidential Employees under this definition are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to Millikin University¹⁴. Confidential employees at Millikin University include the following:

Licensed clinicians, counselors, and therapists in Counseling Services within Student Mental and Behavioral Health.
217-424-6360

Reports made to confidential employees are considered confidential reports. The confidential employee must explain the following to a person who informs them of conduct that reasonably may constitute sex discrimination.

- (1) The employee's status as confidential for purposes of this policy, including any circumstances in which the employee is not required to report to the Title IX Coordinator;
- (2) How to contact the Title IX Coordinator and how to make a complaint of sex discrimination; and
- (3) That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an information resolution or an investigation under the grievance procedures.

¹⁴ This does not preclude the requirement under IL state law that all employees notify child protective services and/or law enforcement of suspected abuse of a minor under the age of 18.

The Confidential Advisor as explained in 2.3.5 of this Policy is Growing Strong Sexual Assault Center. Millikin University works directly with Growing Strong Sexual Assault Center to provide Confidential Advisors or other advocates for students and employees.

Contact Information for the Confidential Advisor Growing Strong is below:

270 West Prairie Avenue

217-428-0770

<http://www.growingstrongcenter.org>

3.1.4 Reporting to Responsible Employees: Millikin University employees who are not Confidential Employees or Officials with Authority are expected to report alleged Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of Sexual Harassment.

3.1.5 Anonymous Reporting: Anonymous reports may be made by email to TitleIX@millikin.edu. A decision to remain anonymous, however, may greatly limit Millikin University's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

3.2 Reporting to Public Safety & Law Enforcement Personnel:

Reports may be filed with Millikin Public Safety personnel or local law enforcement. The Title IX Coordinator or designee can assist with contacting Public Safety personnel or law enforcement agencies. Law enforcement investigations are separate and distinct from Millikin University investigations.

A Complainant has the right to report, or decline to report, to law enforcement at any time. The University's investigation and adjudication processes are distinct from the criminal justice/ law enforcement process. Complainants have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the University through its Investigation and Resolution Procedures or to pursue both processes consecutively or concurrently. The University will assist a Complainant in contacting law enforcement, or the Complainant may contact them directly.

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The University can assist parties who wish to do so. Reporting parties who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Director of Public Safety so that the University can assist with managing compliance with the order on campus.

The contact information for Millikin's Public Safety Department is below:

Millikin Public Safety

Walker Hall, 1st Floor, North End

217-464-8888

The contact information for local law enforcement is below:

Decatur Police Department

707 West South Side Drive

217-424-2711

3.3 Reporting to Outside Agencies: Students and employees may report to external agencies:

Students:

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

Phone: 303-844-5695
Fax: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

Employees:

U.S. Equal Employment Opportunity Commission
JCK Federal Building
230 S Dearborn Street (Suite 1866)
Chicago, IL 60604

Phone: [312-872-9777](tel:312-872-9777)
Fax: [312-588-1260](tel:312-588-1260)
TTY: [1-800-669-6820](tel:1-800-669-6820)

Outside Agency Confidential Support and Resources: Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential. Other off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Millikin University unless the victim requests the disclosure and signs a consent or waiver form. Other resources and referrals can be found on the Student Health and Wellness webpage.

National Hotlines

Center for Prevention of Abuse

Provides a full range of victim assistance and resources
Crisis Hotline 1-800-559-SAFE (7233)

National Sexual Assault Hotline

Call: (800) 656-4673
Live Chat: www.rainn.org

Decatur Memorial Hospital

(Individuals can receive sexual assault forensic exams at this location)
2300 N Edward Street, Decatur, IL 62526
217.876.8121
<https://memorial.health/decaturn-memorial-hospital/overview/>

Counseling Services

Millikin Student Mental and Behavioral Health Services (SMBH)

SMBH provides students with free counseling services and referral to community services, if needed.
217-424-6360

LifeWorks Employee Assistance Program (EAP)

The EAP is available to all employees and their dependents and offers support with mental, physical and emotional well-being.

877-234-5151

Growing Strong

Growing Strong is a rape crisis center in Decatur that provides healing services to victims of sexual assault and sexual abuse, and their significant others and also serves as Millikin's confidential reporting resource.

270 West Prairie Ave, 217-428-0770, <http://www.growingstrongcenter.org>

Dove, Inc.

Dove is a coalition of religious organizations, volunteers, and advocates that seek to coordinate efforts to address unmet human needs and social injustices. Dove works for justice, equality, and understanding among all people.

302 South Union Street, 217-428-6616, <http://www.doveinc.org/>

3.4 Time Limits on Reporting:

There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Millikin University. If the Respondent is no longer subject to Millikin University's Education Program or Activity or significant time has passed, Millikin University will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.5 Millikin University's Federal and State Reporting Obligations:

3.5.1 Institutional Crime Reporting: Certain Millikin University employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, Millikin University must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Millikin University will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for Millikin University community members to make informed safety decisions in response to potential danger.

3.5.2 Mandatory Reporting of Child Abuse, Child Sexual Abuse, and Neglect: In addition to the above reporting responsibilities, all University employees are mandated employees under the Illinois Abused and Neglected Children's Reporting Act. Any employee who becomes aware of or suspects child abuse and/or neglect of a child (under the age of 17) known to them in their professional capacity 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/dcf/FAQ/faq_can.shtml. Mandated reporters must also notify the Title IX Coordinator that a DCFS report has been made.

3.6 Preservation of Evidence: Millikin University recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or Millikin University. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Millikin University encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Initial Response to Reported Sexual Harassment

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options;
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

Section 5: Formal Complaint

Millikin University will investigate all allegations of Sexual Harassment in a Formal Complaint.

5.1 Filing a Formal Complaint: A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that Millikin University investigate the allegation; and
- (3) Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an Millikin University student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether Millikin University can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

5.2 Dismissal of a Formal Complaint

5.2.1 Required Dismissal: The Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in Millikin University's Education Program or Activity; or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of Millikin University's policies and procedures. If a Formal Complaint is dismissed under the matter will be reviewed to determine whether the matter will be pursued under the Non-Title IX Sexual Harassment Policy, Code of Conduct (for students), Standards of Conduct Policy (for employees), or any other applicable Millikin University policy.

5.2.2 Permissive Dismissal: The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint;
- (2) The Respondent is no longer enrolled or employed by Millikin University; or
- (3) Specific circumstances prevent Millikin University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

5.2.3 Appeal of Dismissal: Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

5.3 Consolidation of Formal Complaints: The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Section 6: Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.1 General Grievance Process Information

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a preponderance of the evidence standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Millikin University, not the parties.

6.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: Millikin University strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with an explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Medical Records: Millikin University will not access, consider, disclose, or otherwise use party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Millikin University obtains that party's voluntary, written permission to do so for the grievance process within the Policy.

6.1.5 Privileged Information: Millikin University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.1.6 Range of Disciplinary Sanctions: Sanctions that may be required if an individual is found responsible for violating this policy include, but are not limited to:

(1) For Students:

- Verbal or written warning
- Mandatory educational programming or projects
- Community Service
- Probation
- Removal from housing or other campus programs/activities/leadership positions
- Suspension from school or employment
- Organizational Sanctions
- Other Educational or Reparative Actions
- Expulsion, dismissal, or other separation from the University
- Measures to protect health and safety, such as drug or alcohol counseling

(2) For Employees:

- Verbal or written warning
- Disciplinary probation

- Suspension (with or without pay)
- Performance Improvement Plan
- Termination of employment
- Mandatory Educational training
- Adjustment of supervisory responsibilities
- Measures to protect health and safety, such as drug or alcohol counseling
- Sanctions of a faculty member will be implemented in a manner consistent with the requirements of Title IX and the Clery Act.

6.1.7 Notice of Meetings, Interviews, and Hearings: Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview, and/or hearing.

6.2 Notice of Allegations: Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party's rights and options
- (2) Notice of Millikin University's grievance process
- (3) Notice of Millikin University's informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including:
 - The identities of the parties involved in the incident, if known,
 - The conduct allegedly constituting Sexual Harassment, and
 - The date and location of the incident, if known.
- (5) Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- (6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in Section 6 of this Policy.
- (7) Notice of the Millikin University Student and Employee Handbook provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated, and written notice provided to the parties if at any time during the investigation, Millikin University decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.3 Investigation of Formal Complaint

Millikin University will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

6.3.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.

6.3.2 Opportunity to Inspect and Review Evidence: Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related

to the allegations raised in the Formal Complaint, including evidence upon which Millikin University does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

6.3.3 Investigative Report: Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

6.3.4 Review of the Investigative Report: At least ten (10) Business Days prior to a hearing, the investigator will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

6.3.5 Investigation Timeframe: The investigation of a Formal Complaint will be concluded within ninety (90) Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

6.4 Live Hearing: After the investigation, Millikin University will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, Millikin University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions¹⁵.

6.4.1 Information at the Hearing: The following information/evidence will be available in electronic form at the hearing:

- (1) Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
- (2) The investigation report and any attachments/appendices.

6.4.2 Decision-makers: The decision-maker(s) will be appointed by Millikin University and will not be the Title IX Coordinator or investigator. The decision-maker(s) will be trained, impartial, and without a conflict of interest. The decision-makers in any Title IX matter can be a three-person panel of Millikin University employees or an external individual designated by Millikin University. In the three-person panel model, Millikin University will designate one of the panelists as the chairperson who will be responsible for communicating at the hearing on behalf of the hearing panel.

6.4.3 Challenge to a decision maker: Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.

6.4.4 Advisor's Role at the Hearing: Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, Millikin University will appoint the party with an advisor without fee or charge.

¹⁵ Millikin University can also conduct the hearing in full virtual format (via Zoom or comparable platform) when requested by either party or otherwise at the discretion of the University.

6.4.5 Recording of the Hearing: Millikin University will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6.4.6 Hearing Process Facilitator: Millikin University may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

6.4.7 Pre-Hearing Matters: To streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

(1) Pre-Hearing Submission of Questions: The decision-maker may request the parties to submit questions, in writing prior to the hearing. This submission does not preclude the Advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

(2) Pre-Hearing Conference: The decision-maker may hold a pre-hearing conference. During the pre-hearing conference, parties and their Advisors will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to relevancy at the hearing. This conference does not preclude the Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

6.4.8 Participants in the Hearing. Participants at the hearing include the decision-makers, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, Millikin University may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been interviewed first by the investigator(s) or have provided a written statement or answered questions from the investigator in writing.

6.4.9 Hearing Process and Phases: The live hearing will include the following phases:

(1) Notice of Hearing: the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) Opening Statements: Each party will have the opportunity to present an opening statement to the decision-maker.

(3) Questioning of Hearing Participants (Parties and Witnesses):

- i. **By the Decision-Maker:** The decision-maker(s) will ask initial questions of the participants at the hearing.
- ii. **By the Advisors:** After the decision-maker(s) asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to

ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

- A question is asked by an advisor
- Before participant answers the questions, the decision-maker(s) determines whether the question is relevant
- If the question is determined relevant by the decision-maker(s), the participant answers the question
- If the question is determined not to be relevant by the decision-maker(s), the decision-maker(s) must explain the decision to exclude a question as not relevant.

iii. **Evidence and Questions Excluded:**

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

(4) Closing Statements: Each party will have the opportunity to present a closing statement to the decision-maker.

6.4.10 Determination Regarding Responsibility: After the live hearing, the decision-maker(s) will deliberate in private. The decision-maker will issue a written determination based on a majority vote of the decision-makers regarding responsibility using the preponderance of the evidence standard. The chairperson will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that Millikin University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;

- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Millikin University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Millikin University's education program or activity will be provided by Millikin University to the Complainant¹⁶; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Section 7: Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

7.1 Bases for Appeal: Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- The sanction(s) was/were clearly disproportionate with the violation.

7.2 Appeal Procedures: If an appeal is submitted, Millikin University will:

(1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

(2) Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.

(3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.

(4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:

- Affirm the decision-maker(s) determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
- Affirm the decision-maker(s) determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
- Remand the process back to the hearing stage for the decision-maker(s) to remedy any procedural irregularity or consider any new evidence;
- Reverse the decision-maker(s) determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or

¹⁶ The Title IX Coordinator is responsible for the implementation of any remedies.

- Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.

(5) Provide the written decision simultaneously to both parties.

7.3 Appeal Timeframe: The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 8: Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Millikin University, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

8.1 Informal Resolution Notice: Prior to entering the informal resolution process, Millikin University will provide the parties with a written notice disclosing:

- (1) The allegations;
- (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
- (3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

8.2 Informal Resolution Agreement: Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

8.3 Informal Resolution Availability: The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

8.4 Informal Resolution Timeframe: Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to Millikin University that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.

8.5 Informal Resolution Documentation. Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Section 9: Emergency Removal and Administrative Leave

9.1 Emergency Removal: At any time after the Title IX Coordinator is on notice of Sexual Harassment, Millikin University may remove a Respondent on an emergency basis. Millikin University will only conduct an emergency removal after:

- (1) Undertaking and individualized safety and risk analysis,
- (2) Determining that an immediate threat the physical health or safety of any student or other individual

arising from the allegations of Sexual Harassment justifies removal, and

(3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

9.2 Administrative Leave: Millikin University may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 10: Recordkeeping

Millikin University will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under the Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

Section 11: Additional Conduct Violations Related to This Policy

Alleged violations of the terms in this section will be sent to the Student Conduct Office for student Respondents and Human Resources for employee Respondents. Retaliation, providing false information in the grievance process, interfering with the grievance process, and/or violating a directive from a Millikin University official (including violating a No Contact Directive) are prohibited under the Millikin University Student and Employee Handbooks.

The Student Handbook can be found here: <https://millikin.edu/about/administration/student-affairs/student-handbook>

The Employee Handbook can be found here:

<https://millikinedu.sharepoint.com/sites/MillikinUniversityIntranet/SitePages/Policies-and-Procedures.aspx>

Section 12: Applicable Illinois State Laws

12.1 Definitions Related to Consent

Pursuant to 720 ILCS 5/11-0.1, "consent" means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.

"Unable to give knowing consent" includes when the accused administers any intoxicating or anesthetic substance, or any controlled substance causing the victim to become unconscious of the nature of the act and this condition was known, or reasonably should have been known by the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

- (1) Was unconscious or asleep;
- (2) Was not aware, knowing, perceiving, or cognizant that the act occurred;
- (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; or
- (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

Additionally, pursuant to 720 ILCS 5/11-1.70,

- a) It shall be a defense to any offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code where force or threat of force is an element of the offense that the victim consented.
- b) It shall be a defense under subsection (b) and subsection (c) of Section 11-1.50 and subsection (d) 20 of Section 11-1.60 of this Code that the accused reasonably believe the person to be 17 years of age or over.
- c) A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

12.2 Criminal Sexual Assault: (720 ILCS 5/11-1.20): A person commits criminal sexual assault if that person commits an act of sexual penetration and: (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

12.3 Aggravated Criminal Sexual Assault: (720 ILCS 5/11-1.30) (a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

- (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
- (2) the person causes bodily harm to the victim, except as provided in paragraph (10); (3) the person acts in a manner that threatens or endangers the life of the victim or any other person;
- (4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
- (5) the victim is 60 years of age or older;
- (6) the victim is a person with a physical disability;
- (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
- (8) the person is armed with a firearm;
- (9) the person personally discharges a firearm during the commission of the offense; or
- (10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

12.4 Predatory Criminal Sexual Assault of a Child: (720 ILCS 5/11-1.40) A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and: (1) the victim is under 13 years of age; or (2) the victim is under 13 years of age and that person: (A) is armed with a firearm; (B) personally discharges a firearm during the commission of the offense; (C) causes great bodily harm to the victim that: (i) results in permanent disability; or (ii) is life threatening; or (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

12.5 Criminal Sexual Abuse: (720 ILCS 5/11-1.50) (a) A person commits criminal sexual abuse if that person: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent. (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age. (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

12.6 Aggravated Criminal Sexual Abuse: (720 ILCS 5/11-1.60) (a) A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:

- (1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
- (2) the person causes bodily harm to the victim;
- (3) the victim is 60 years of age or older;
- (4) the victim is a person with a physical disability;
- (5) the person acts in a manner that threatens or endangers the life of the victim or any other person;
- (6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or
- (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.

(b) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.

(c) A person commits aggravated criminal sexual abuse if:

- (1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or
- (2) that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.

(d) A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.

(e) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.

(f) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

12.7 Dating Violence: The Illinois Criminal Code does not define this term.

12.8 Domestic Violence: (750 ILCS 60/103)

(1) “Abuse” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

...

(3) “Domestic violence” means abuse as defined in paragraph (1).

...

(6) “Family or household members” includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high risk adult with disabilities, “family or household members” includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) “Harassment” means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

- (i) creating a disturbance at petitioner’s place of employment or school;
- (ii) repeatedly telephoning petitioner’s place of employment, home or residence;
- (iii) repeatedly following petitioner about in a public place or places;
- (iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner’s windows;

- (v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
- (vi) threatening physical force, confinement or restraint on one or more occasions.

...

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage. 22

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

...

(14) "Physical abuse" includes sexual abuse and means any of the following: (i) knowing or reckless use of physical force, confinement or restraint; (ii) knowing, repeated and unnecessary sleep deprivation; or (iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(15) "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

12.9 Domestic Battery: (720 ILCS 5/12-3.2) (a) A person commits domestic battery if he or she knowingly without legal justification by any means: (1) causes bodily harm to any family or household member; (2) makes physical contact of an insulting or provoking nature with any family or household member.

12.10 Aggravated Domestic Battery: (720 ILCS 5/12-3.3) (a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery. (a-5) A person who, in committing a domestic battery, strangles another individual who commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

12.11 Stalking: (720 ILCS 5/12-7.3) (a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress. (a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person. (a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion: (1) follows that same person or places that same person under surveillance; and (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person. (a-7) A person commits stalking when he or she knowingly makes threats that are a part of a course of conduct and is

aware of the threatening nature of his or her speech.

12.12 Definitions — For purposes of Stalking:

- (1) “Course of conduct” means two or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person’s property or pet. A course of conduct may include contact via electronic communications.
- (2) “Electronic communication” means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. “Electronic communication” includes transmissions by a computer through the Internet to another computer.
- (3) “Emotional distress” means significant mental suffering, anxiety or alarm.
- (4) “Family member” means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, stepparent, stepbrother, stepsister or stepchild. “Family member” also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
- (5) “Follows another person” means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. “Follows another person” does not include a following within the residence of the defendant.
- (6) “Non-consensual contact” means any contact with the victim that is initiated or continued without the victim’s consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
- (7) “Places a person under surveillance” means: (1) remaining present outside the person’s school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person’s property.
- (8) “Reasonable person” means a person in the victim’s situation.
- (9) “Transmits a threat” means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct

....

(d-10) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

12.13 Aggravated Stalking: (720 ILCS 5/12-7.4) (a) A person commits aggravated stalking when he or she commits stalking and: (1) causes bodily harm to the victim; (2) confines or restrains the victim; or (3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986. (a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to

register under the Sex Offender Registration Act or a family member of the victim.

...

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

12.14 Cyberstalking: (720 ILCS 5/12-7.5) (a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-4) A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and: (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

12.14 Definitions – For purposes of Cyberstalking:

(1) “Course of conduct” means two or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or 2425 interferes with or damages a person’s property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) “Electronic communication” means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. “Electronic communication” includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail. (2.1) “Electronic communication device” means an electronic device,

including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer.

(2.1) “Electronic communication device” means an electronic device, including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer.

(2.2) “Electronic monitoring software or spyware” means software or an application that surreptitiously tracks computer activity on a device and records and transmits the information to third parties with the intent to cause injury or harm. For the purposes of this paragraph (2.2), “intent to cause injury or harm” does not include activities carried out in furtherance of the prevention of fraud or crime or of protecting the security of networks, online services, applications, software, other computer programs, users, or electronic communication devices or similar devices.

(3) “Emotional distress” means significant mental suffering, anxiety or alarm.

(4) “Harass” means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) “Non-consensual contact” means any contact with the victim that is initiated or continued without the victim’s consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) “Reasonable person” means a person in the victim’s circumstances, with the victim’s knowledge of the defendant and the defendant’s prior acts.

(7) “Third party” means any person other than the person violating these provisions and the person or persons towards whom the violator’s actions are directed.

...

(e) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

MILLIKIN UNIVERSITY'S NON-HARASSMENT TITLE IX DISCRIMINATION POLICY

Section 1: Applicability

The procedures in this section shall be used to investigate and resolve reported Title IX matters that allege discrimination that falls outside of the Title IX Sexual Harassment Policy (“Non-Harassment Title IX Discrimination”). These procedures shall be used in conjunction with the Sexual Harassment Policy for purposes of identification of key Title IX officials (Section 1.0), definitions (Section 2.0) and reporting options (Section 3.0).

Discrimination prohibited under this policy includes: the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in any Millikin University Education Program or Activity on the basis of sex.

The effective date of this Policy is August 1, 2025.

Section 2: Advisors

Complainants and Respondents may be accompanied by an advisor of their choice throughout the investigation. An advisor’s role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent.

Section 3: Investigation Procedures

If the allegations fall within the scope of this policy and the matter does not resolve using the informal resolution process, Millikin University will conduct a prompt, thorough, and impartial investigation of the reported discrimination. The Title IX Coordinator or their designee will appoint one or more investigators who will conduct investigative meetings, gather information and evidence, and make an independent determination as to whether a violation of the policy occurred using a preponderance of the evidence standard.

The Respondent is presumed not responsible until a determination has been reached by the investigator.

Section 3.1 Notice of Allegations: A written Notice of Allegations will be sent to the Complainant and Respondent, constituting the initiation of the investigation. The Notice of Allegations will contain a summary of the allegation(s) or conduct at issue. This will include the identities of the parties involved, the date and location of the incident (if known), and a link to the appropriate policies. Once the Notice of Allegations has been sent to the parties, the investigation begins.

Section 3.2 Investigation Process: The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The investigator will gather additional information and evidence as appropriate, including, but not limited to, social media information, text messages, email messages, videos, and other records. The investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.

Section 3.3 Timing of the Investigation: Millikin University strives to complete the investigation within sixty (60) business days from the issuance of the Notice of Allegations. All extensions of this time frame will be communicated with the parties in writing.

Section 3.4 Report: At the conclusion of the investigation, the investigator will draft a report with a finding regarding responsibility based on a preponderance of the evidence standard. The report will include the applicable sanctions if there is a finding of “responsible.” Sanction determinations will be made in collaboration with the Director of Human Resources if the Respondent is a faculty or staff member, or the Vice President for Student Affairs if the Respondent is a student. A copy of the report will be provided simultaneously to the Complainant and Respondent.

Section 4: Appeals: The Complainant or Respondent may appeal the decision of the investigator based only on the following grounds:

- The existence of a procedural irregularity that materially affected the outcome;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility that could have affected the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome;

Appeals must be made in writing and submitted to the Title IX Coordinator within three (3) business days of the receipt of the final decision. The appellate decision maker will notify the other non-appealing party of the appeal and allow for written response from the non-appealing party within five (5) business days of receiving this notification of appeal. A determination regarding the appeal will be made by the appellate decision maker within twenty (20) business days after receipt of the appeal.

Section 5: Acceptance of Responsibility: The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged misconduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Human Resources if the Respondent is a faculty or staff member, or the Vice President for Student Affairs if the Respondent is a student, will determine the appropriate sanction(s).

Section 6: Informal Resolution: The Complainant and Respondent may agree to Informal Resolution at any time prior to a determination regarding responsibility if the Title IX Coordinator deems the matter appropriate for Informal Resolution.¹⁷ The Title IX Coordinator will consider the following when determining whether to permit a matter to move to Informal Resolution:

- The nature of the allegations;
- The dynamics of power or control associated with the alleged offense or the parties involved;
- The Complainant’s and Respondent’s prior known conduct;
- Whether there would be a continuing safety threat to the University community after resolution of allegations;
- Whether multiple parties are involved;
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall University safety or safety of the parties involved.

¹⁷ The Title IX Coordinator may, at any time, withdraw approval for the Informal Resolution and return the matter to investigation.

Participation in Informal Resolution is a choice, and either party can request to end Informal Resolution process and pursue an investigation at any time, including if Informal Resolution is unsuccessful at resolving the matter. Similarly, either party can request to end an investigation and pursue Informal Resolution at any time, though entering Informal Resolution must be agreed to in writing by the parties. When there is disagreement between the parties, the Title IX Coordinator may opt to pursue the investigation process.

If an agreement is reached through Informal Resolution, the parties will be provided simultaneously with a Notice of Outcome. An appeal of the Informal Resolution process or result is not permitted.

Section 7: Organizational Culture

In cases where there is an allegation of a culture of Title IX Discrimination by a group, organization, department, division, or Millikin University as a whole will be investigated and resolved as closely as possible to this policy. Resolutions for a group, organization, division or Millikin University will be communicated with the highest-ranking member of the group, organization, department, division or Millikin University.

Section 8: Intersection of Policies:

The procedures in this policy are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of Non-Harassment Title IX Discrimination brought against University faculty, staff, or students. To the extent there are any inconsistencies between these procedures and other University grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging Non-Harassment Title IX Discrimination.