I. **STATEMENT OF POLICY**

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

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

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

II. **TITLE IX AND DISCRIMINATORY HARASSMENT**

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

The Title IX Coordinator is the compliance officer who will coordinate the University efforts of resolving complaints of discrimination and sexual misconduct and carry out the responsibilities under Title IX. The Title IX Coordinator at Millikin University is Diane Lane, Director of Human Resources, and can be reached at:

**Title IX Coordinator**  
Diane Lane  
Shilling Hall, Room 212  
(217)362-6416  
dlane@millikin.edu
The Title IX coordinator is authorized to designate Deputy Title IX Coordinators to investigate discrimination and harassment complaints as deemed appropriate.

**Title IX Deputy Coordinators:**

**For students:**
Raphaella Prange 217-424-6395
Dean, Student Development

**For faculty, staff, visitors, or others:**
Tammy Maxwell 217-362-6416
Asst. Director, Human Resources

**File an anonymous report**
Campus Conduct Hotline 866-943-5787

**For disability discrimination:**
Carrie Pierson 217-424-3999
Director, Student Success and ADA/504 Coordinator

III. **DEFINITIONS**

**Discrimination** is adverse treatment of any employee or student based on the protected class or category of persons to which he/she belongs, rather than on the basis of his/her individual merit, with respect to the terms, conditions, or privileges of employment or education including, but not limited to, hiring, firing, promoting, disciplining, scheduling, training, compensation, grading, class or work assignment, or participation in any academic or University program.

**Harassment** is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee or student because of his/her membership in any protected group or on any other prohibited basis (e.g. race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, pregnancy, national origin, ethnicity, citizenship status, veteran or military status, age, disability), where such conduct interferes with the employee’s work performance, student’s education, or creates an intimidating, hostile or offensive working or learning environment. The harasser can be the employee’s or student’s supervisor, a supervisor in another area, a co-worker, the student’s coach, a fellow student or someone who is not an employee of the University such as a client or customer.
Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a person’s accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials;
- Unwillingness to train, evaluate, assist, or work with an employee.

**Sexual Misconduct** is a broad term encompassing any sexual contact or activity that occurs without the direct and verbal consent of any individual involved. Sexual misconduct offenses covered by this policy include, but are not limited to, the following offenses:

1. **Sexual Harassment**
2. **Non-Consensual Sexual Intercourse**
3. **Non-Consensual Sexual Contact**
4. **Sexual Exploitation**
5. **Attempt to Engage in Non-Consensual Sexual Contact**

1. **Sexual Harassment** is a form of harassment that consists of making unwelcome sexual advances, requests for sexual favors, or engaging in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature where such conduct interferes with the employee or student’s performance or creates an intimidating, hostile or offensive working or learning environment. Conduct constitutes sexual harassment when:

   - Submission to such conduct is made either explicitly or implicitly a term or condition of employment and/or academic performance. (Quid Pro Quo)
   - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or evaluations of their performance; (Retaliatory) or
   - Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of or have the effect of creating an intimidating, hostile, or offensive working, academic or learning environment. (Hostile environment)

Sexual harassment can take many forms. It can be committed by both men and women and can occur between members of the opposite sex or between members of the same sex. Examples of sexual harassment include, but are not limited to:
• Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, brushing against another's body, or any other sexually suggestive activity
• Grabbing, groping, kissing, fondling.
• Interference with normal work or movement or otherwise invading the personal privacy of another person.
• Lewd, off-color, sexually oriented comments or jokes.
• Foul or obscene language or gestures.
• Leering, staring, stalking.
• Suggestive or sexually explicit posters, calendars, photographs, drawings, graffiti, cartoons or writings including that which may be transmitted on the University’s computer or electronic mail systems.
• Unwanted or offensive letters or poems.
• Sexually explicit communications including in-person, telephone, written or electronic mail.
• Sexually-oriented or explicit remarks, including written or verbal references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
• Questions about one's sex life or experiences.
• Unwelcome social advances such as repeated requests for social dates or other non-business related activity where the invitee has indicated that she/he is not willing to accept such invitations.
• Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
• Sexual assault or rape.
• Threats or slurs
• Derogatory or offensive public comments about such characteristics as gender, race, age, national origin or disability
• Any other conduct or behavior intended to encourage or incite behavior that harms or disadvantages others because of their gender, race, age, national origin or disability

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

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

- 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 or inducing another to expose their genitals
- Posting non-consensual evidence of sexual activity on any public forum (ie. social networks and the internet)
- Sexually-based stalking
- Knowingly transmitting a sexually transmitted disease or infection to another individual.
- Invasion of sexual privacy

**Consent** under this policy is defined as a clear and unforced “YES” to the sexual act in question. Consent is informed and voluntary. A person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, is considered incapable of giving consent. Specifically, individuals under the influence of alcohol and/or drugs are unable to give consent under this definition. Millikin University recognizes that individuals of any sex, sexual orientation or gender identity may be victims of sexual misconduct.

**Retaliation** is an adverse action taken against any member of Millikin’s community because he/she files a complaint under this policy or raises any other concern under this policy, serves as a witness, assists an allegor, or who participates in an investigation of discrimination or harassment.

**Discrimination, harassment, retaliation, and sexual misconduct** are unacceptable in the workplace, classroom, housing, sports or any other University-related setting or activity. This behavior violates University policy even when it may not constitute a violation of law.

**IV. CONSENSUAL RELATIONSHIPS – Involving Employees and Students**

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

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

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

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

V. DUTY TO REPORT

In order to ensure the University is free of prohibited harassment or discrimination, any "Responsible Employee" including: any Human Resource professional, University officer, dean, department head, faculty member, director, supervisor, and all other management and supervisory personnel have an affirmative duty and are required to promptly report any discrimination, harassment, retaliation or sexual misconduct that they observe, learn about from others, or reasonably suspect has occurred. This means that once these individuals receive a report about discrimination or harassment, it is considered official notice to the University. Failure to cooperate with, or otherwise interfere with, an investigation conducted by, or on behalf of, the University could lead to disciplinary action, up to and including, termination, expulsion, removal from campus and/or cancellation of contract.

In addition, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 17) must report that information to the Title IX Coordinator or a Title IX Deputy Coordinator whom shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

VI. DISCRIMINATION & HARASSMENT REPORTING PROCEDURES
Individuals who experience any job-related harassment or believe that they have been treated in an unlawful, discriminatory manner, are encouraged to promptly notify the alleged perpetrator verbally or in writing that his/her conduct is unwelcome. Regardless of this notice, all employees, students, applicants, volunteers, vendors and guests are strongly encouraged to report any incidents of discrimination or harassment. Reports may be made orally or in writing and such reports should be made to the Title IX Coordinator or a Title IX Deputy Coordinator. Reports may also be made to any Human Resources professional, Dean, Director, Department Chair, Supervisor, Provost/Vice President, Head Coach, University Director/Chief of Police or Assistant Director/Deputy Chief. Anyone receiving reports of discrimination or harassment are required to forward those reports to the Title IX Coordinator, Diane Lane, Director of Human Resources, who will ensure prompt response and initiate the preliminary investigation. She can be reached at (217)362-6416 or dlane@millikin.edu.

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

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

**VII. INTERIM PROTECTIVE MEASURES**

Upon receipt of a report of sexual misconduct or upon notice of an incident of sexual misconduct, the University shall inform the complainant about:

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

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

VIII. INVESTIGATION PROCESS

A. Purpose of the investigation. The purpose of the investigation is to evaluate the allegations of discrimination/harassment, formulate a response that addresses the facts as they are determined, and follow up to ensure that the necessary action steps are completed.

B. Intake/Initial Assessment. A complaint can be made to a “Responsible Employee” or directly to the Title IX Coordinator (or deputy coordinator). Upon receipt of notice, the Title IX Coordinator (or deputy coordinator) will schedule an intake meeting with the complainant to provide complainant with a general understanding of the policy and to identify forms of support or immediate interventions available to the complainant (no contact, etc.)

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

Depending on the facts of the case, the Coordinator (or deputy coordinator) may determine that there is a reasonable cause to believe the harassment policy has been violated and will initiate a prompt, thorough, and impartial resolution or investigation.

C. Informal Resolution Procedures.

(i) Though not required, it is encouraged to initially attempt to resolve complaints at the lowest level possible.

(ii) If Complainant would like to proceed informally, they should ask their supervisor, Human Resources professional or Title IX coordinator to intervene. Do not rely on other co-workers or individuals who are not familiar with University policy. In cases
involving allegations of sexual assault, mediation is not appropriate, even on a voluntary basis.

(iii) Complainant has the right to end the informal process at any time and begin the formal resolution process.

(iv) Supervisors, administrators, and faculty should always contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any complaints.

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

E. Presence of support persons.
   An individual of the complainant's and accused's choice may accompany them at the initial interview and subsequently, as appropriate. The role of the support person would be to be present at the time of the investigation interview. The support person is not provided documentation on the investigation or allowed to interject during the investigation interview.

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

1. A determination that there is sufficient evidence to indicate a violation of university policy.
2. A determination that there is insufficient or no evidence to indicate a violation of university policy.
3. A determination that inappropriate behavior has occurred.
4. A determination that there is sufficient evidence to indicate that an allegation is false.

H. **Cooperation with Law Enforcement.** The University will comply with law enforcement request for cooperation and such cooperation may require the University to temporarily suspend the fact-finding aspect of the investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its investigation two weeks after receiving the request from law enforcement or as soon as notified that law enforcement has completed the evidence gathering process, whichever comes first.

I. **Concluding the investigation.** It should be the goal of the University to have all complaints investigated and concluded within sixty (60) days of the initial complaint being filed. If this is not reasonably possible due to extenuating circumstances, the investigator should inform the complainant and accused of the status of the review and an estimated conclusion date. At the conclusion of the investigation, the investigator will inform the appropriate supervisor, complainant, and accused of the investigation outcome.

J. **Outcome of Investigation.** The University shall prepare a written summary of the outcome of the investigation and provide both complainant and respondent with written notice of the outcome within seven (7) days of such finding being made.

Regardless of the method of resolution or the outcome, complainant is at all times free to pursue a complaint with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC), the United States Department of Education (Office of Civil Rights) or seek the advice of an attorney.

K. **Appeal Rights.** Both the complainant and the respondent have the right to appeal on the following grounds:
• The University’s stated procedures were not followed;
• There is new evidence that could have affected the decision that was not reasonably known at the time of the decision;
• The investigation or decision exhibited prejudice, bias or other unfair treatment that affected the outcome of the case.

Requests for appeal must be made in writing to the Title IX Coordinator within 10 calendar days of receiving the decision and must state the reason for the appeal. The finding, which will be in writing and provided to both parties, will be final and cannot be appealed.

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

A. In cases involving faculty members, corrective measures may be imposed in accordance with Policies and Procedures: Faculty; Section 2.4.5 Dismissal for Cause, 2.4.6 Action Short of Dismissal, and 2.5 Grievance Procedure.

B. In cases involving students acting in their employment capacity, measures may be imposed in accordance with policy in the Student Employee handbook. In all other cases, measures may be imposed in accordance with the Standards of Conduct in the Student Handbook.

C. In cases involving all administrative and staff employees, refer to Policy #601 Guidelines for Appropriate Conduct and #603 “Discipline and Corrective Action” in the Employee Handbook.

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

XI. RETALIATION
The University will not tolerate retaliation in any form against any faculty, staff, student or volunteer, who files an allegation, serves as a witness, assists an
alleger, or participates in an investigation of discrimination or harassment. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of retaliation should be directed to the Office of Human Resources.

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

XIII. COUNSELING AND SUPPORT SERVICES
Any person seeking counseling or support services may contact any of the following:
- Millikin University Public Safety 217-464-8888
- Decatur Police 911
- Growing Strong Sexual Assault Center 217-428-0770
- DOVE Domestic Violence Advocacy Center 217-423-2238
- National Domestic Violence Hotline 800-799-SAFE

For Employees:
- Employee Assistance Program (EAP): free confidential counseling for University employees is available through St. Mary’s Hospital EAP - 217-464-2339 (Decatur)

For Students:
- Millikin University Health & Counseling Center 217-424-6360
- Millikin University Dean of Student Development Office 217-424-6395

XIV. NOTICE, TRAINING AND EDUCATION FOR STUDENTS AND EMPLOYEES
The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Employee and student training is scheduled accordingly.

For Employees:
• All employees, including faculty, administrative and support staff will be provided with a copy of Millikin’s written policy on prohibited discrimination at least once annually.
• All new employees are given this policy at or before New Employee Orientation advising them of the policy and what constitutes discrimination, sexual harassment and sexual misconduct and the consequences of violating these policies.

For Volunteers:
• Volunteers will be provided annually with a copy of Millikin’s written policy on prohibited discrimination advising them of the policy and what constitutes discrimination, sexual harassment and sexual misconduct and the consequences of violating these policies.

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