



## **Discrimination, Harassment, and Sexual Misconduct Policy**

Wheaton College strives to serve Jesus Christ and seeks to enroll and hire individuals who have decided to follow Jesus Christ as Lord and Savior and live according to biblical standards. The goal of campus life at Wheaton College is to live, work, serve, and worship together as an educational community centered around the Lord Jesus Christ. Our mission as an academic community is not merely the transmission of information; it is the education of whole persons who will build the church and benefit society worldwide “For Christ and His Kingdom.” Along with the privileges and blessings of membership in such a community come responsibilities. The members of the Wheaton College campus community have consented to the responsibilities articulated in the Wheaton College [Community Covenant](#) and elsewhere in College policies. This Policy describes the prohibition of unlawful discrimination, harassment, and sexual misconduct of any kind and has been developed in order to honor biblical principles, comply with federal and state law, and follow best practices for campus safety.

### **I. Notice of Nondiscrimination**

It is the policy of Wheaton College to prohibit unlawful discrimination and harassment against any member of its community based on the individual's race, color, national origin, sex, age, disability, citizenship, veteran status, genetic information, or any other consideration made unlawful by relevant law, in matters of admissions, employment, housing, or in any aspect of the educational programs or activities it offers. As a religious institution, Wheaton College retains the right to make employment, admission, and educational decisions on the basis of an individual's religious beliefs and conduct consistent with the Wheaton College Statement of Faith, Community Covenant, and other policies. Consistent with Title IX of the Educational Amendments of 1972 and other applicable state and federal laws, Wheaton College considers sexual misconduct, including sexual violence, exploitation, and interpersonal violence such as stalking, dating violence, and/or domestic violence, to be a form of prohibited sex discrimination. Violations of this Policy may result in the imposition of sanctions up to, and including, termination or dismissal.

### **II. Scope of this Policy**

This Policy applies to all members of the College community, including students, faculty and staff (hereinafter “employees”), volunteers, visitors, and other guests of the College community, and to contractors, consultants, and vendors doing business or providing services to the College. The Policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct (i) occurs during a College-sponsored educational activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health or safety of a member of the College community.

While the College is committed to the principles of free inquiry and expression, the discrimination, harassment, and sexual misconduct prohibited by this Policy are neither legally protected expression nor the proper exercise of academic freedom.

### **III. The Role of the Title IX Coordinators/Discrimination Complaint Officers**

Wheaton College's Title IX Coordinators/Discrimination Complaint Officers are responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of the Complaint Resolution Procedures for the handling of suspected or alleged violations of this Policy.

The Title IX Coordinators and their contact information are as follows:

Title IX Coordinator & Director of Equity Investigations:

Diane Padilla, Student Services Building #211, (630) 752-7885, [diane.padilla@wheaton.edu](mailto:diane.padilla@wheaton.edu)

Deputy Title IX Coordinator/Discrimination Complaint Officer for Students:

Carrie Williams, Student Services Building #214, (630) 752-5797, [carrie.williams@wheaton.edu](mailto:carrie.williams@wheaton.edu)

Deputy Title IX Coordinator/Discrimination Complaint Officer for Employees:

Karen Tucker, Blanchard #154, (630) 752-5060, [karen.tucker@wheaton.edu](mailto:karen.tucker@wheaton.edu)

Further information about Title IX and sex discrimination in education is available from the U.S. Department of Education's Office of Civil Rights (Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, Tel: (312) 730-1560, TDD: (877) 521-2172), Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)).

### **IV. Prohibited Conduct**

In determining whether alleged conduct violates this Policy, the College will consider the facts and circumstances of the incident, including the nature of the alleged misconduct and the context in which it occurred.

#### **A. Discrimination**

Discrimination is unequal, adverse treatment of an individual because of his or her protected class status. For instance, giving two similarly situated individuals different pay, opportunities for advancement, or educational opportunities may constitute discrimination if the reason for the different treatment is the protected status of one of the individuals. Discrimination on the basis of sex also encompasses sexual harassment and sexual misconduct, as defined below.

#### **B. Harassment**

Harassment is unwelcome, hostile, or inappropriate conduct directed toward an individual because of his or her protected status. Such conduct may violate this Policy if it (1) has the purpose or effect of creating an intimidating, hostile, or offensive working, living, or learning environment for the affected individual, or (2) substantially interferes with that individual's working, living, or learning environment.

Examples of harassment may include (but are not limited to) the following:

- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on his or her protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic;

- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group;
- refusing to offer employment or educational opportunities to someone because of the person's protected status; and/or
- making an employment or academic decision because of the person's protected status.

Whether conduct constitutes harassment may depend, in part, on how the conduct is viewed by the person who is subject to the conduct.

## **C. Sexual Misconduct**

The following offenses are considered sexual misconduct and are prohibited by the College.

### **1. Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature, without regard to whether the parties are of the same or different sexes, where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education, status in a position of employment or an academic course or program, or participation in any educational program or activity of the College ("quid pro quo" harassment); or
- Such conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with an individual's educational or work environment ("hostile environment" harassment).

The following examples illustrate the type of conduct that is prohibited harassment under this Policy:

- Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body in a sexual nature;
- Offering or implying a job- or education-related reward (such as a pay increase, a favorable employment evaluation, a job promotion, a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- Threatening or taking a negative employment or educational action (such as a reduction in pay, a negative employment evaluation, or a demotion, giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected;
- The use or display, including electronic display, in the workplace or classroom, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical or other justification; and
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

## **2. Sexual Violence**

Sexual violence is a particular type of sexual harassment that includes physical sexual acts perpetrated when consent is not present, where a person is incapable of giving consent, or coercion and/or force is used. This includes non-consensual sexual contact as well as non-consensual sexual intercourse or penetration, which the Policy defines as follows:

- Non-consensual sexual contact (or attempts to commit the same) is the intentional touching or fondling of a person's genitals, breasts, thighs, groin, or buttocks, or any other contact of a sexual nature (including by bodily fluids) when consent is not present or coercion and/or force is used. This includes not only direct contact, but also contact through clothing and/or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch, fondle, or contact oneself or another.
- Non-consensual sexual intercourse or penetration (or attempts to commit the same) is any penetration of the sex organs or anus of another person or penetration of the mouth of another with one's sex organs when consent is not present or coercion or force is used. This includes penetration or intrusion, however slight, by an object or any part of the body.

As explained further below, sexual violence includes sexual contact, intercourse, and/or penetration while knowing or having reason to know that the individual was incapacitated due to alcohol and/or drug consumption or was otherwise unable to consent. Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) is strictly forbidden.

## **3. Sexual Exploitation**

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of a person other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include: invasion of sexual privacy; prostituting another person; non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity; non-consensual producing, obtaining and/or distributing photos, videos, other images, or information of an individual's sexual activity, or intimate body parts; engaging in non-consensual voyeurism; knowingly transmitting a sexually transmitted infection ("STI"), such as HIV, to another without disclosing your STI status; exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and distributing or forcing others to view pornography.

## **4. Dating Violence**

Dating violence is violence or the threat of violence by a person with whom the individual is or has been in a social relationship of a romantic or intimate nature. Whether such a relationship exists will be gauged by its length, type, and the frequency of interaction.

## **5. Domestic Violence**

Domestic violence is violence committed by the current or former spouse, intimate partner, current or former cohabitant of the individual, by someone with whom the individual shares a child in common, or violence against anyone else protected under the domestic or family violence laws of the jurisdiction in which the violence occurred.

## **6. Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or suffer substantial emotional distress.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker 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. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the individual. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling or interfere with one's normal daily activities and relationships.

Examples of stalking include, but are not limited to, the following behaviors:

- Pursuing or following someone or waiting uninvited near a place where a person frequents;
- Being or remaining in close proximity to a person;
- Surveillance or other types of unreasonable observation, including staring or peeping;
- Trespassing or vandalism;
- Threatening (directly or indirectly) a person;
- Gathering information about an individual from friends, family, or others;
- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, text messages, emails, written letters, gifts, or any other communications that are undesired; and
- Use of online, electronic, or digital technologies, including posting of pictures online, sending unwanted/unsolicited email or chat requests, posting private or public messages on social media sites, installing spyware on someone's computer, or using GPS to monitor a person.

## **D. Consent, Coercion, and Incapacitation**

Wheaton promotes a biblical sexual ethic that reserves consenting intimate sexual expression within a marriage between a man and a woman. Intimate sexual expression outside the biblical boundary of marriage may increase the risk of miscommunication about consent. As we live and work in community, we recognize that we may at times fall short of these biblical standards. However, this Policy establishes standards for identifying when such expression violates institutional boundaries for ensuring the safety and well-being of all members of the community.

### **1. Consent**

Consent is voluntary, informed, and mutual, and may be withdrawn at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language, or attitude. However, a lack of verbal or physical resistance or submission resulting from the use or threat of force, coercion, manipulation, or intimidation does not constitute consent. Likewise, a person's manner of dress, consent to prior sexual activity, consent to sexual activity with a different person, or relationship status with the person does not constitute consent. It is the responsibility of the initiator of any sexual activity to ensure that he or she has the other person's consent before engaging in sexual activity.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent. Sexual contact with anyone who is under the legal age of consent, is asleep or unconscious, or is incapacitated due to consumption of alcohol, drugs, medication, or a mental or physical

impairment is a violation of this Policy. People who are unconscious or physically unable to communicate are assumed to be incapable of giving consent for purposes of this Policy.

## **2. Coercion**

Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include but are not limited to pressure, threats, emotional intimidation, a power differential between the parties, and/or the use of physical force.

## **3. Incapacitation**

Incapacitation means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and/or a disability that impacts the ability of an individual to provide legal consent. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this Policy.

## **V. Reporting Alleged or Suspected Violations of this Policy**

The College maintains multiple methods to report conduct in violation of this Policy. The College encourages individuals who are aware of conduct in violation of this Policy to utilize the methods set forth below. Although there is no specific time limit for reporting a suspected violation of this Policy, an individual who believes that he or she has been subjected to conduct that violates this Policy is encouraged to contact one of the resources set forth below as soon as possible after the alleged policy violation to discuss the available options for proceeding.

### **A. Reporting Policy Violations to the College**

#### **1. Title IX Coordinators/Discrimination Complaint Officers**

The College strongly encourages individuals, including third-party bystanders, to report incidents of discrimination, harassment, and sexual misconduct to the Title IX Coordinators/Discrimination Complaint Officers. The contact information for the Title IX Coordinators can be found in Part III of this Policy.

With the exception of the confidential resources listed in Part V.C. below, all other College employees, including student employees, who receive a report of conduct in violation of this Policy are required to report all details of the incident (including the identities of the individuals involved) to the Title IX Coordinators/Discrimination Complaint Officers.

#### **2. Public Safety**

Individuals may also report incidents under this Policy to Wheaton College's [Department of Public Safety](#):

Phone: (630) 752-5911

Email: [public.safety@wheaton.edu](mailto:public.safety@wheaton.edu)

In Person: Chase Service Center

Public Safety can assist in securing resources and/or making a report to the local police, regardless of the location where the incident occurred. Reports made to Public Safety are not confidential and must be shared with the Title IX Coordinators/Discrimination Complaint Officers. *Please note: Public Safety employs student workers. If you wish to speak with a non-student, you may ask to speak with an officer.*

### **3. Anonymous and Confidential Reporting**

The College recognizes that in some instances, individuals may wish to initiate an anonymous report to protect their identity. Individuals wishing to make an anonymous and confidential report may do so by visiting the College's EthicsPoint portal, found at: [www.wheaton.edu/ethicscomplaints](http://www.wheaton.edu/ethicscomplaints), or by calling (888) 416-1302.

Anonymous reports will be investigated to the greatest extent possible. However, the College's ability to take action may be limited in the case of anonymous reports by the amount of information provided.

### **4. Information Regarding Rights of Survivors of Sexual Misconduct**

Upon receipt of a report alleging sexual misconduct, the College will provide the survivor with a written document (separate from this Policy) listing, in plain, concise language the survivor's rights, options, and resources, as well as a description of the College's Discrimination, Harassment, and Sexual Misconduct Complaint Resolution Procedures.

#### **B. Privacy and Confidentiality of Reports to the College**

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the College's ability to conduct an investigation and take any corrective action deemed appropriate by the College.

#### **1. Amnesty for Good Faith Reports of Sexual Misconduct**

The College encourages the reporting of violations of this Policy and seeks to remove any barriers to an individual making a report. The College recognizes that students may be hesitant to report a sexual assault violation in some circumstances, such as when they or others may be accused of violating other College policies, such as drinking or using drugs at the time of the incident. Given this concern and the College's desire to provide for the safety of all community members, no conduct proceedings or conduct record (for students) or disciplinary actions (for employees) will result from an individual's good faith report of sexual misconduct believed to violate this Policy.

#### **2. Requests for Confidentiality**

In some cases, an individual may disclose conduct that would violate this Policy to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted. The College must weigh such requests against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community. Although rare, there are times when the College may not be able to honor an individual's request for confidentiality.

The Title IX Coordinators/Discrimination Complaint Officers are responsible for evaluating requests for confidentiality. When weighing an individual's request for confidentiality or that no investigation or

sanction be pursued, the Title IX Coordinators/Discrimination Complaint Officers will weigh the totality of the circumstances to determine whether there is a risk of the alleged perpetrator(s) committing additional acts of discrimination, harassment, or sexual misconduct. Examples of such circumstances include, but are not limited to, the following: other complaints about the same alleged perpetrator, a history of prior similar behavior from the alleged perpetrator, a report that the alleged perpetrator threatened further harm, a report that gives reason to believe that the alleged perpetrator may be likely to cause future harm, a report that the incident was committed by multiple perpetrators, or a report that the incident reveals a pattern or perpetration at a given location or by a particular group (e.g., a recurring party).

The presence of one or more of the circumstances described above could lead the College to investigate and, if appropriate, pursue sanctions pursuant to the Complaint Resolution Procedures despite an individual's request for confidentiality and/or that no investigation be conducted. If the College determines that it cannot maintain an individual's confidentiality or uphold a request that the complaint not be investigated, the College will inform the individual prior to the start of the investigation and will, to the extent possible, limit the information shared during the process set forth in the Complaint Resolution Procedures.

### **3. Mandatory Reporting for “Responsible Employees”**

Any “responsible employee” is required to report any communication or conduct that appears to be prohibited by this Policy immediately to the Title IX Coordinator & Director of Equity Investigations. A responsible employee is defined as any College employee (a) who has the authority to take action to redress sexual violence, (b) who has been given the duty of reporting incidents of sexual violence or any other misconduct by students or employees to the Title IX Coordinator & Director of Equity Investigations or other appropriate school designee, or (c) whom a student or employee could reasonably believe has this authority or duty. Examples of responsible employees include faculty members, administrators, residence directors (RDs), graduate resident advisers (GRAs), resident assistants (RAs), and all other staff members.

As provided in further detail below, Wheaton College employees working in Student Health Services, the Counseling Center, and the Chaplain's Office are considered confidential employees and are not subject to these reporting requirements.

### **4. Confidentiality Obligations of Participants**

Recognizing the confidentiality of reports under this Policy encourages parties and witnesses to participate in the process and share all information they possess, which is necessary for achieving fair outcomes. If parties or witnesses fear that their participation and the information they share will be revealed, then concerns about reputation, peer pressure, and retaliation may deter them and others from participating or even bringing forward complaints in the first instance. The disclosure of this information outside of the reporting process can erode the community's trust in the investigation process, impair its effectiveness, and may have the purpose or effect (unintended or intended) of retaliating against those who participate in the process.

For these reasons, all parties and witnesses involved in an investigation under this Policy are prohibited from disclosing, at any time and through any medium (including social media), the identity of the parties and witnesses, and any details or information regarding an incident, investigation, or finding to anyone except:

- (1) to College employees as necessary to implement any provisions of this policy or the business of the College;

- (2) as permitted by this policy (see exceptions below); or
- (3) as permitted or required by law.

In some circumstances, a person who fails to preserve confidentiality may face disciplinary action. In addition, to ensure that parties and witnesses can participate in the investigation in the absence of intimidation, harassment, or coercion, the College has the authority to issue a no-contact directive pursuant to which the individuals notified are forbidden from having contact, directly or indirectly, personally or through others, and through any medium (including but not limited to social media), with others specified in the directive. Violation of a no-contact directive may result in disciplinary action.

As noted, there are exceptions to the principle of confidentiality.

First, the Complainant and Respondent are not subject to confidentiality with regard to the result of a disciplinary proceeding alleging domestic violence, dating violence, sexual violence, or stalking. “Result” refers to the disciplinary proceeding’s determination, namely whether the alleged conduct was found to have occurred, any sanction imposed, and the rationale for the result and sanctions. As a practical matter, this means that after adjudication, the parties may disclose to others the core allegations, the outcome, and the sanction imposed, if any, but not the identity of the parties, witnesses to the proceeding, or any information learned during the investigation or adjudication that the party did not already know.

Second, the parties may also share any information with certain people with whom they have a special relationship: parents or guardians, siblings, spouses, legal counsel, health care and mental health providers, clergy, and the person who is supporting them during the proceeding as permitted by the Policy. It is generally wise to limit the number of people with whom information is shared, particularly because they, too, must hold the information in confidence. Relationships with others, such as close friends, romantic partners, roommates, housemates, teammates, etc., do not constitute special relationships within which sharing of confidential information is permitted.

Third, the College may disclose any information related to the matter as necessary (1) to those to whom it is necessary to give fair notice of the allegations and to conduct the investigation; (2) to law enforcement consistent with state and federal law; (3) to other College officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; (4) to government agencies that review the College’s compliance with federal law; and (5) to third parties as permitted or compelled by law (e.g., in response to a lawful subpoena or in compliance with federal privacy law).

A final, cautionary note is in order. There may be serious and personal legal consequences for those who breach the requirement of confidentiality. Facts surrounding allegations of misconduct under this Policy are often deeply disputed and thus breaches of confidentiality have the potential to seriously affect the reputations of the individuals involved. Although statements made in good faith as part of College disciplinary proceedings are legally protected and should not be used as the basis for a defamation lawsuit, statements made outside of the proceedings lack that protection and could lead to a legal claim by a person who believes that the statements are false, identify him or her to others, or have harmed his or her reputation.

## **C. Confidential Resources Available to Students**

### **1. Confidential Advisors for Survivors of Sexual Misconduct**

Survivors of sexual misconduct as defined by this Policy may obtain confidential assistance by speaking with one of the College’s designated Confidential Advisors. The Confidential Advisors receive forty (40) hours of initial training regarding sexual misconduct and participate in six (6) hours of annual continuing

training. Confidential advisors are available to provide emergency and ongoing support to individuals who have experienced sexual misconduct, including:

- Provision of information regarding the individual’s reporting options and possible outcomes, including, without limitation, reporting to the College’s Title IX Coordinator pursuant to this Policy and notifying law enforcement;
- The provision of resources and services including, but not limited to, services available on campus and through community-based resources, such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services;
- The provision of information regarding orders of protection, no-contact orders, or similar lawful orders issued by the College or a criminal or civil court;
- An explanation of the individual’s right to have privileged, confidential communications with the Confidential Advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers, and/or local law enforcement upon request; and/or
- Assistance with securing interim protective measures and accommodations upon request.

The Contact information for the Confidential Advisors is as follows:

JoAnn Nishimoto, Psy.D.  
Wheaton College Counseling Center  
Tue, Thu, Fri: (630) 752-5321  
All other times: (847) 337-7892

Travis Satterlee, LCPC, CADC  
Heritage Professional Associates  
During business hours: (630) 653-9700  
After hours: (847) 421-7632

The Confidential Advisors only report to the College that an incident occurred without revealing any personally identifiable information. Disclosures to confidential advisors do not trigger any College investigation. Please note that limitations of confidentiality exist for individuals under the age of 18.

## **2. On-Campus Confidential Resources**

The College has designated the Counseling Center, Student Health Services, and the Chaplain’s Office as additional confidential resources on campus. Students may contact these resources as follows:

[Wheaton College Counseling Center](#): (630) 752-5321

[Wheaton College Student Health Services](#): (630) 752-5072

[Wheaton College Chaplain’s Office](#): (630) 752-5087

The employees of these confidential resources are not considered “responsible employees.” Employees in these offices only report to the Title IX Coordinator & Director of Investigations that an incident occurred without revealing any personally identifiable information. Disclosures to these confidential resources will not trigger any College investigation. However, please note that limitations of confidentiality exist when the allegations involve individuals under the age of 18.

## **D. Community Resources**

The following off-campus agencies also employ individuals available to discuss incidents of misconduct in confidence. Disclosures to these entities will not trigger the College’s investigation into an incident. Please note that limitations of confidentiality exist for individuals under the age of 18.

Sexual misconduct resources:

- *National Sexual Assault Hotline*: 1-800-656-HOPE (4673): Information and referrals for rape, sexual assault, dating, and domestic violence.
- *YWCA Patterson and McDaniel Family Center Hotline*: 630-971-3927; Business (630) 790-6600; 2055 W. Army Trail Rd. Suite 140, Addison, IL 60101: Confidential sexual violence and support services for DuPage County
- *Northwest Center Against Sexual Assault Hotline*: 888-802-8890 (24/7) Address: 415 W. Golf Rd., Suite 47, Arlington Heights, IL Medical and legal advocacy and counseling services

Legal assistance resources:

- Illinois Legal Aid: how to get an order of protection ([video](#))
- Illinois Attorney General: [resources for crime victims](#), including programs that assist with medical and other expenses

Visa and immigration assistance:

- U.S. Citizenship and Immigration Services (USCIS): provides resources to [Find Help in your Community](#) and [Find Legal Services](#).
- Board of Immigration Appeals (BIA): provides a [state-by-state listing of attorneys](#) who provide free and reduced cost immigration services.
- American Immigration Lawyers Association (AILA): [immigration lawyer referral service](#)

Additional resource for full-time employees:

- [Employee Assistance Program](#) (“EAP”): (888) 293-6948

## **E. Reporting to Law Enforcement**

In addition to the above, survivors of sexual misconduct are encouraged to contact proper law enforcement authorities (e.g., by calling 911), including local police, about possibly filing a criminal complaint. Complaints may be made to the Wheaton Police by calling (630) 260-2161. The Title IX Coordinator/Discrimination Complaint Officers, Confidential Advisors, and Public Safety officials are available to assist students, employees, and others in making contact with appropriate law enforcement authorities upon request, or to assist individuals who have further questions about these issues. Except in the case of an allegation involving an individual under the age of 18, the College will not contact law enforcement without the student requesting the College to do so.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College’s investigation, but the College will commence its own investigation as soon as is practical under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. Because the standards for finding a violation of criminal law are different than the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether a violation of this Policy has occurred.

Survivors of sexual misconduct may also seek a judicial no-contact order, restraining order, protective order, or similar lawful order issued by a criminal, civil, or tribal court. Individuals who receive emergency or permanent restraining orders through a criminal or civil court should notify the Title IX Coordinators so that the College can assist in managing compliance with the order on campus.

## **F. Seeking Medical Assistance & Preserving Evidence**

The College also encourages all victims of sexual violence to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, testing for and treating of sexually transmitted infections, and to collect and preserve physical and other forms of evidence. Seeking medical attention helps preserve the full range of options, including the options of working through the College's Complaint Resolution Procedures and/or filing criminal complaints. Many services regarding sexual violence are free.

Under Illinois law, certain medical personnel are required to alert police when the individual requesting treatment appears to have sustained injury as a victim of a criminal offense, including sexual violence. However, the individual may choose whether to speak to the police and is not required to do so.

Local medical assistance can be obtained at:

- **Central DuPage Hospital ("CDH") Emergency Department:** 25 N Winfield Rd., Winfield, IL 60190, (630) 933-1600.
- **Edward Hospital Emergency Room:** 801 S. Washington, Naperville, IL 60540, (630) 527-3000

Both CDH and Edward employ trained Sexual Assault Nurse Examiner ("SANE") nurses to assist individuals and collect physical evidence necessary for law enforcement.

Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if he or she chooses not to make a report to the police. In order to best preserve forensic evidence, it is recommended that an individual not shower, bathe, douche, clean, use the bathroom (if possible), smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, s/he should bring the unwashed clothes worn during the incident to the hospital or medical facility in a clean paper bag.

Under Illinois law, the cost of emergency medical or forensic examinations for sexual violence survivors not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services.

## **G. False Reporting or Testimony**

Reports made under this Policy that are later found to be intentionally false or made maliciously without regard for truth, as well as false or misleading testimony provided by a third-party witness, shall constitute a violation of this Policy. This provision does not apply to reports made in good faith, even if the final outcome pursuant to the Complaint Resolution Procedures result find that the conduct reported did not constitute a violation of the Policy.

## **VI. Mandatory Reporting of Child Abuse, Sexual Abuse, and Neglect**

Any Wheaton College employee or volunteer observing, perceiving, or receiving a credible report of any specific incident of child abuse, sexual abuse or neglect must report the incident directly to the appropriate authority without delay. There is no option for confidentiality in the case of suspected child abuse, sexual abuse, or neglect. In other words, all mandated reporters with reasonable cause to believe that a child may be abused, sexually abused, or neglected must contact the proper authorities.

Child abuse is the mistreatment of a child under the age of 18 by:

- A parent or their romantic partner;
- An immediate relative or someone living in their home;
- A caretaker such as a babysitter or daycare worker; or
- Any person responsible for the child's welfare, such as a health care provider, educator, coach or youth program volunteer.
- The mistreatment can either result in injury or put the child at serious risk of injury. Child abuse can be physical (i.e. bruises or broken bones), sexual (i.e. fondling or incest), or mental (emotional injury or psychological illness).

Neglect is the failure of a parent or caretaker to meet "minimal parenting" standards for providing adequate supervision, food, clothing, medical care, shelter or other basic needs.

For conduct relating to a child in Illinois, the report should be made to the Illinois Department of Children and Family Services Hotline by calling 1-800-252-2873 or 1-800-25ABUSE. For incidents occurring outside of Illinois, the law enforcement agency with jurisdiction over the location of the incident is the appropriate law enforcement agency. If there is any doubt regarding the proper authorities to contact or an incident is observed in progress, call 911 and report the incident as quickly and clearly as possible.

Mandated reporters are also required by this Policy to report suspected child abuse and neglect involving Wheaton College students, employees, or volunteers to the Title IX Coordinators/Discrimination Complaint Officers.

## **VII. Institutional Crime Reporting**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") requires institutions of higher education to compile and publish statistics on certain criminal offenses, including sexual misconduct, that occur on or adjacent to campus property. The Clery Act requires certain crimes reported to a Campus Security Authority ("CSA") to be included in those annual statistics. The Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department . . . such as an individual who is responsible for monitoring entrance into institutional property;
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for co-curricular learning, including, but not limited to, student athletics, housing, engagement, and/or conduct.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime or the identity of the individuals involved.

The College is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions, such as when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). The identity of a Complainant under this Policy is not identified in a timely warning.

More information about the Clery Act, as well as a copy of the College's Annual Safety Report, is available on the College's [Public Safety website](#).

## **VIII. Retaliation Prohibited**

Retaliation against an individual who makes a complaint alleging a violation of this Policy or who participates in the investigation or resolution of such a complaint is prohibited. Retaliation exists when materially adverse action is taken against an individual as a result of that individual's participation in the protected activity under this Policy. Protected activity includes, but is not limited to, making a good-faith report of conduct in violation of this Policy, cooperating in good faith in the investigation of a complaint under this Policy, and/or testifying as a witness to any report of conduct in violation of this Policy.

Retaliation should be promptly reported to the Title IX Coordinator & Director of Equity Investigations. Any acts of retaliation shall be grounds for disciplinary action independent of the sanction or interim measures imposed in response to the underlying report.

## **IX. Further Resources on Disability Accommodation**

To ensure equal access to educational programs and activities and in employment, the College is committed to providing reasonable accommodations, including appropriate auxiliary aids and services, academic adjustments (inside or outside the classroom), modifications to the work environment or other work-related accommodations, and/or modification to the College's policies and procedures, to qualified individuals with disabilities, unless providing such accommodations would result in an undue hardship for the College or fundamentally alter the nature of the relevant program or activity.

For further information specific to disability services and reasonable accommodation for students, please visit the "Disability Resources" section of the [Academic & Disability Services webpage](#). Additional information for employees can be found in the [Employee Handbook](#).

Further inquiries may be directed as follows:

ADA/Section 504 Coordinator for Students:  
Jennie Nicodem, Student Services Building #218,  
(630) 752-5674, [jennifer.nicodem@wheaton.edu](mailto:jennifer.nicodem@wheaton.edu)

ADA/Section 504 Coordinator for Employees:  
Karen Tucker, Blanchard #154, (630) 752-5060, [karen.tucker@wheaton.edu](mailto:karen.tucker@wheaton.edu)

## **X. Educational Programs and Training**

The College will provide the following education programming and training regarding conduct prohibited by this Policy.

### **A. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy Related to Sexual Misconduct**

The College will provide officials responsible for the investigation or adjudication of sexual misconduct under this Policy with at least eight (8) hours of annual training on issues related to sexual misconduct, including:

- Federal and state laws regarding sexual misconduct;
- Sexual misconduct behaviors prohibited by College policy;
- How to conduct the College's Discrimination, Harassment, and Sexual Misconduct Complaint Resolution Procedures in a way that protects the safety of complainants and promotes institutional accountability;
- The role of the College, medical providers, law enforcement, and community agencies in creating a coordinated response to reports of sexual misconduct;
- Consent and the impact of drug and alcohol use can have on the ability to consent;
- Cultural sensitivity and compassionate communication skills when speaking with persons reporting sexual misconduct;
- Complainant-centered and trauma-informed response training; and
- Conducting prompt, fair, and impartial investigations into allegations of sexual misconduct.

## **B. Primary Prevention and Awareness Programs**

The College will provide annual primary prevention and awareness programs for all students and employees that include the following:

- A statement that the College prohibits sexual misconduct and a description of the College's policies;
- The definition of consent, in reference to sexual activity, as defined under Illinois law and this Policy;
- The definition of sexual misconduct under Illinois law and this Policy;
- A description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual misconduct against a person other than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- The procedures that individuals should follow if sexual misconduct has occurred;
- The possible sanctions or protective measures that the College may impose following a final determination of a violation of the Policy;
- The Complaint Resolution Procedures used for disciplinary action in cases of misconduct described in this Policy, including the standard of proof that is used;
- Information about how the College will protect the confidentiality of complainants, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the Complainant, to the extent permissible by law,
- Information about how the College will maintain as confidential any accommodation or protective measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures;
- Written and verbal notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for complainants both on-campus and in the community; and
- Written and verbal notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement;
- Written and verbal explanation of rights and options available to an individual reporting sexual misconduct, regardless of whether the offense occurred on or off campus; and

- Written and verbal explanation of rights and options available to complainants and respondents in the formal investigation process.

### **C. Ongoing Prevention and Awareness Campaigns**

The College will also provide ongoing prevention and awareness campaigns for students and employees that provide additional information regarding the subjects covered in the primary prevention and awareness programs.

*Last updated: October 29, 2018*