

SEXUAL MISCONDUCT STUDENT-ON-STUDENT

University Laboratory High School prohibits all forms of sexual harassment and other sexual misconduct. Using any type of behavior that does physical or psychological harm to someone and/or disrupts the learning environment, and/or urges students to engage in such conduct is prohibited. Sexual misconduct is not acceptable in any form and will not be tolerated at school or any school- related activity, on school property, or through a school or other computer, network, or other electronic equipment.

Both Illinois and Federal law prohibit sexual harassment in schools. Although the type of sexual harassment at issue will impact which process is used to address the harassment, all kinds of sexual harassment are prohibited in Uni's educational programs and activities.

For all reports or complaints alleging "Title IX Sexual Harassment" as defined below, the Procedures for Addressing Title IX Sexual Harassment Complaint will be used to process the report or complaint. Processing a report or complaint under the Procedures for Addressing Title IX Sexual Harassment Complaints does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

For all other reports or complaints of sexual harassment other than Title IX Sexual Harassment, the Procedures for Addressing Sexual Misconduct (below) will apply.

If the regulations implementing Title IX at 85 Fed. Reg. 30026, 30026-30579, are enjoined or invalidated by a Federal Court with jurisdiction over the Uni or reversed or replaced by any agency with sufficient authority, the Procedures for Addressing Title IX Sexual Harassment Complaints will immediately cease to apply to reports and complaints of sexual harassment and sexual misconduct, including Title IX Sexual Harassment, unless and until any such injunction, invalidation, reversal, or replacement is overturned or reversed.

Sexual misconduct perpetrated by employees or University of Illinois (U of I) students is governed under appropriate U of I policies and procedures, <https://cam.illinois.edu/policies/hr-79/>. In addition, University policies and procedures protect against any sexual misconduct by "third parties, including but not limited to contractors, subcontractors, volunteers, and visitors."

Violations of the sexual misconduct policy may be subject to discipline under applicable U of I and police procedures as well as those of Uni High School.

DEFINITIONS AND EXAMPLES

Sexual Misconduct includes but is not limited to the terms listed below:

Dating Violence. 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 the existence of such a relationship shall be determined based on the reporting party's statement and with consideration

of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence includes physical violence and the threat of physical violence.

Sexual Assault. Sexual assault means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes:

1. any form of sexual penetration without consent; and
2. any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breasts of the other person for the purpose of sexual gratification or arousal of either person without consent.

Sexual Exploitation. Sexual exploitation means the use of another person's nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, personal benefit, personal advantage, or any other non-legitimate purpose. Sexual exploitation includes, but is not limited to:

1. without the knowledge and consent of all participants, observing, recording, or photographing nudity or sexual activity of one or more persons in a location where there is a reasonable expectation of privacy, allowing another to observe, record, or photograph nudity or sexual activity of one or more persons, or otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons; and
2. sending sexually explicit materials of another person without consent of the recipient.

Title IX Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo Sexual Harassment: conduct (1) by an employee of the University, which (2) conditions the provision of an aid, benefit, or service of the University, on (3) an individual's participation in unwelcome sexual conduct; or
2. Hostile Environment Sexual Harassment: (1) unwelcome conduct that (2) a reasonable person would determine to be so (3) severe, (4) pervasive, (5) objectively offensive that (6) it effectively denies a person equal access to the University's education program or activity; or
3. Sexual Assault (as defined in this policy); or
4. Stalking (as defined in this policy); or
5. Dating violence (as defined in this policy); or
6. Domestic Violence (as defined in this policy).

Sexual Harassment. Sexual harassment means unwelcome sexual, sex-based, or gender-based conduct, whether verbal, written, electronic and/or physical in nature that is either:

- A. (1) sufficiently severe or pervasive; and (2) objectively offensive; and (3) unreasonably interferes with, denies, or limits a person's ability to participate or benefit from educational and/or employment opportunities, assessments, or status at Uni High or the University; or

B. by a person having power or authority over another in which submission to such conduct is made explicitly or implicitly a term or condition of educational and/or employment opportunities, participation, assessments, or status at Uni High or the University.

Examples of Title IX Sexual Harassment and Sexual Harassment. Examples of conduct that is prohibited in the school's education environment and that may constitute either Title IX Sexual Harassment or Sexual Harassment, in addition to other behaviors, include but are not limited to:

- o expressing sexual slurs or epithets verbally, by e-mail, by social media, texts, or by any other electronic means that are sexually degrading or abusive, including threats, verbal abuse, derogatory comments, sexually derogatory descriptions, or inappropriate sexual propositions;
- o engaging in graphic verbal comments about an individual's body or overly personal conversation of a sexual nature;
- o using sexual jokes, stories, drawings, pictures, e-mails, blogs, social media, texts, and other electronic means or gestures;
- o displaying sexually suggestive objects, software programs, or computer graphics, including by any electronic means, outside of any educational purpose;
- o spreading sexual rumors, including by electronic means; and
- o making lists of "hot people" or rating or ranking people according to attractiveness or body parts.

Stalking. means two or more acts directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress, and includes, but is not limited to, following, monitoring, surveilling, or threatening a person; initiating or continuing contact with a person without consent; or interfering with or damaging a person's property.

Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, 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. Retaliation may include, but is not limited to harassment, discrimination, or threats. Any person or group within the scope of this policy who engages in prohibited retaliation is subject to a separate complaint of retaliation under this policy.

CONSENT

Consent means informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person's lack of verbal or physical resistance or manner of dress does not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if such person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following:

1. the person is incapacitated due to the use or influence of alcohol or drugs;
2. the person is asleep or unconscious;
3. the person is under the legal age to provide consent; or
4. the person has a disability that prevents such person from having the ability or capacity to give consent.

The Illinois Age of Consent is 17 years old. In the United States, the age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. If the offender is in a position of authority or trust over the victim, the age of consent is raised to 18.

JURISDICTION OF THE SCHOOL

The jurisdiction of the school in sexual misconduct is the same as for other discipline incidents. The grounds for disciplinary action apply whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

- o On, or within sight of school grounds, before, during, or after school hours;
- o Off school grounds at a school-sponsored activity, or event, or any activity, or event, which bears a reasonable relationship to school;
- o Traveling to or from school or a school activity, function, or event.

In addition,

The school has jurisdiction to discipline behavior of sexual misconduct wherever it occurs when it interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function including, but not limited to, conduct that may reasonably be considered harmful to the health, safety, or educational functions of students or staff.

In this instance, "school grounds" or "school property" includes the Uni block bounded by Wright, Stoughton, Goodwin, and Springfield Avenues. Because our students have access to the University, conduct anywhere on U of I property during school hours or reasonably associated with the time of a school-related event may be considered Uni's jurisdiction for discipline and/or may be reported to police.

U of I policies and procedures, as well as those of law enforcement, would apply to activities at or associated with Uni as well. Uni procedures continue even though an incident is being investigated by law enforcement.

REPORTING SEXUAL MISCONDUCT

We at the U of I recognize that deciding to report sexual misconduct and choosing how to proceed are difficult decisions. We recognize that your feelings about whether to report an incident and how to proceed may change over time. We support all survivors of sexual misconduct during this decision-making process. You may be uncertain at first about how to proceed.

Although you can report sexual misconduct at any time, we encourage individuals to immediately report incidents of sexual misconduct. When preparing to report an incident, it is acceptable to be undecided on your course of action. The purpose is to simply report the incidents.

Reports may be made by:

- An individual who has experienced sexual misconduct;
- Anyone who receives a report from someone who experienced sexual misconduct; and/or
- Anyone who witnesses or otherwise has information that sexual misconduct may have occurred.

If you choose to report to a Uni employee, the employee receiving the initial information will complete the online report form. All Uni employees who are made aware of sexual misconduct must immediately report the incident to the University of Illinois Title IX Coordinator or designee.

You have several options for reporting sexual misconduct.

Online Report Form. Uni students may report sexual misconduct using the University reporting form can be found [here](#). By using this online reporting form, you are submitting information to the University of Illinois Title IX Coordinator or designee. Danielle Morrison serves as the University's Title IX Coordinator and can be contacted in person or by mail at the Title IX Office, 616 E. Green Street, Suite 214, Champaign, IL 61820; by phone at (844) 616-7978; or by email at titleixcoordinator@illinois.edu.

Uni Employees. Students who believe they are victims (or witnesses) are encouraged to discuss the matter with any Uni employee. Students may be accompanied by a parent/guardian, friend, or Uni employee in making such a report. Parents may also discuss how to make a report by contacting any school administrator. Students should know that all Uni employees must report incidents of sexual misconduct to the Title IX Coordinator or designee. In some circumstances, Uni employees must also report incidents to the Illinois Department of Children and Family Services and police as appropriate. Any Uni employee who sees sexual misconduct must complete the [University Online Reporting Form](#). For information on other employee responsibilities, please visit [FAQs about Employee Reporting Obligations](#).

Anonymous Reports. Witnesses or complainants may report anonymously on the University's Title IX [We Care Report Form](#). The school and University will not be able to investigate and respond to anonymous reports as fully as reports with complete information.

Police Reporting. If you are experiencing an emergency, dial 911 immediately.

To report a crime, a non-criminal incident, suspicious behavior, or if you just need more information about the options that may be available, you can contact the local police or U of I Police. They are available 24 hours a day, 365 days a year.

For non-emergencies, you can contact the appropriate law enforcement agency by calling Champaign County dispatch at (217) 333-8911, and you will be connected to a police officer responsible for your location:

- [University of Illinois Police Department](#)
- [Champaign Police Department](#)
- [Urbana Police Department](#)
- [Champaign County Sheriff's Department](#)

Reporting to External Agencies. Anyone who believes they have experienced Sexual Misconduct at Uni has the right – and may initiate – a complaint with an appropriate state or federal compliance agency. Students and employees may file Sexual Misconduct complaints with the Illinois Department of Human Rights (IDHR). Students may also file complaints with the U.S. Department of Education, Office for Civil Rights (OCR). In addition, any University employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for each agency appears below.

Illinois Department of Human Rights
222 S. College St.
Springfield, IL 62704
(217) 785-5100

Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 West Madison Street, Suite 1475 Chicago, IL 60661
(312) 730-1650

U. S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661
(800) 669-4000

FINDING RESOURCES

The following resources are available to students.

Immediate Medical Concerns

For concerns about immediate safety or medical attention, call 911 or go to a local medical facility. If you go to an emergency department, the trained professionals can collect necessary physical evidence. Even if you do not opt for forensic evidence collection, health care professionals can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases/infections.

Local medical facilities include emergency rooms at

[Carle Foundation Hospital](#), 611 W. Park St., Urbana; 217-383-3311; and

[OSF Heart of Mary Medical Center](#) (formerly Presence Covenant) Medical Center,

1400 W. Park St., Urbana; 217-337-2131.

Preserving Evidence. It is important to preserve physical evidence of an assault even if you do not yet know whether you want to report the assault or pursue filing a complaint. Evidence is best collected as soon as possible or at least within 96 hours of the incident. Consider waiting to shower or bathe to avoid washing away important physical evidence. You can also preserve evidence by saving text messages, instant messages, and other communications that may be useful to investigators.

Seeking Medical Attention As Soon As Possible. If you go to an emergency department, the trained professionals can collect necessary physical evidence. Even if you do not opt for forensic evidence collection, health care professionals can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases/infections.

Police

In addition to being available at 911 for emergency situations, police (University of Illinois, Urbana, Champaign, and the Champaign County Sheriff's Department) are available for non-emergency dispatch at 217-333-8191.

Title IX Office

For questions involving Title IX (which prohibits sex discrimination, including sexual misconduct, in education programs), contact Danielle Morrison; Director, Title IX; Title IX Office; 616 E. Green St., Suite 214, Champaign, IL 61820; 217-333-3333 or 844-616-7978; titleixcoordinator@illinois.edu.

Community Resources

The following outside resources provide mental health counseling to members of the community and may not be required to report any identifying information to the school in cases of sexual misconduct. However, confidentiality is very much dependent upon many factors, such as the age of a student or the existence of imminent threat to self or others. In addition, like Uni staff members, employees of these resources are mandated reporters (which is different from responsible employees), which means they must report any abuse or neglect of a minor by a person in authority to the Illinois Department of Children and Family Services (DCFS).

Rape Advocacy, Counseling, & Education Services (R.A.C.E.S.)

Crisis Hotline: (217) 384-4444

24 hours/day, 365 days/year

Rape Advocacy, Counseling, & Education Services (R.A.C.E.S.) has a twenty-four crisis hotline, medical and legal advocacy, counseling services, and public education and training. All services are free of charge.

Courage Connection

Domestic Violence Hotline: (217) 384-4390

24 hours/day, 365 days/year

Courage Connection provides housing and services for individuals or families who are victims of domestic violence. They offer safety planning, domestic violence counseling, court advocacy, assistance in obtaining orders of protection, and other counseling services. Shelter and services are free of charge and available to residential and non-residential clients.

Psychological Services Center

(217) 333-0041

8:30 am–5:00 pm, Monday–Friday

The Psychological Services Center (PSC), is operated by the Department of Psychology at the University. It serves the community of Urbana-Champaign, as well as University students, faculty, and staff. While PSC does charge for its services, a sliding scale depending on family size and income is offered.

Rosecrance

Crisis Hotline: (217) 359-4141 24

hours/day, 365 days/year

Rosecrance offers a 24-hour mental health crisis hotline and provides a range of prevention, intervention, and behavioral health treatment services for individuals and families.

State and National Resources

Rape, Abuse and Incest National Network (RAINN) (800)

656-4673

Phone and online hotlines 24 hours/day, 365 days/year

National Domestic Violence Hotline (800)

799-7233

Phone and online hotlines 24 hours/day, 365 days/year

Love Is Respect (866)

331-9474

Phone and online hotlines 24 hours/day, 365 days/year

Chicago Alliance Against Sexual Exploitation (773)

244-2230

info@caase.org

East Central Illinois Refugee Mutual Assistance Center

(217) 344-8455

9:00 am-5:00 pm, Monday-Friday

Illinois Coalition Against Domestic Violence (ICADV)

(217) 789-2830

Illinois Coalition Against Sexual Assault (ICASA) (217)

753-4117

Illinois Department of Children & Family Services (DCFS) 1-

800-25-ABUSE (1-800-252-2873)

National Coalition Against Domestic Violence

National Sexual Violence Resource Center (NSVRC)

National Stalking Resource Center

PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT

After receipt of a report, the investigation of sexual misconduct will be undertaken promptly by the University's Office for Access and Equity ("OAE"). OAE will work with the Assistant Director of Student Life at Uni to coordinate resources and assistance for the student and for appropriate parent notification. Consistent with federal and State laws and rules governing student privacy rights, parents or guardians of Complainants and Respondents under 18 years of age will be promptly informed of the allegations. If the Complainant or Respondent is over 18 years old, or emancipated, the student will be directly informed of the allegations.

Investigations conducted by OAE will follow one of two sets of procedures, depending on what conduct is alleged to have occurred. OAE has two sets of procedures for addressing conduct which falls under the University's Sexual Misconduct Policy:

1. The Procedures for Addressing Title IX Sexual Harassment Complaints are implemented when the allegation involves behavior that if true, would constitute Title IX Sexual Harassment as defined in the Sexual Misconduct Policy. These procedures can be found online at: <https://go.illinois.edu/tixprocedures>
2. The Procedures for Addressing Discrimination, Harassment, and Non-Title IX Sexual Misconduct Complaints will be implemented when the allegation involves behavior that if true, would violate the Unwelcome Sexual, Sex or Gender-Based Conduct, Sexual Exploitation, or Retaliation portions of the Sexual Misconduct Policy. These procedures can be found online at: <https://go.illinois.edu/non-tix-procedures>

Support Persons. Complainant(s) and Respondent(s) may be accompanied by a support person or an advisor of their choice to any meeting with OAE or other University staff. Support persons may not directly participate or stand in the place of the Complainant or Respondent in the process. For more information, please see the relevant OAE procedures as detailed above. A request for an additional support person may be made to the OAE Investigator.

Appeal of Title IX Determination of Responsibility or Findings of Fact and Conclusion. A Complainant or Respondent who wishes to appeal the finding of OAE may do so by following the above appropriate procedures.

Sanctions. After an investigation by OAE under the Procedures for Addressing Title IX Sexual Harassment Complaints where there is a finding of responsibility on one or more of the allegations, Uni's Assistant Director for Student Life, will be consulted regarding the appropriate level of disciplinary sanctions for the Respondent. Such decision will be relayed to the Respondent and the Complainant, along with their parents or legal guardians (for students under 18), as detailed in the applicable OAE procedures. Please see the disciplinary ladder in Uni's Student-Parent Handbook.

After an investigation by OAE under the Procedures for Addressing Discrimination, Harassment, and Non-Title IX Sexual Misconduct Complaints where there is a finding of responsibility on one or more of the allegations, Uni's Assistant Director for Student Life

assigns disciplinary sanctions for the Respondent and promptly notifies both the Respondent and Complainant and their parents or legal guardians (for students under 18) of the outcome of the sanctions.

Consequences for engaging in sexual misconduct are severe. Depending upon the behavior, circumstances, history, and other contextual factors, consequences including, but not limited to, verbal or written reprimand, detentions, denial of privileges, and other sanctions may be assigned; often suspension or expulsion from the school is warranted.

Appeal of Sanctions. Complainants and Respondents may appeal the sanctions in writing to the Director or Provost's designee within seven calendar days of the notification of sanctions.

Grounds of Appeal of Sanctions. Both Respondents and Complainants may submit a written appeal, in accordance with the governing procedures. The written appeal must address the investigation outcome exclusively on the following ground:

- a. Any sanctions imposed were not appropriate for the violation(s) for which the student was found responsible.

The Director will inform the Complainants and Respondents (and their parents, if the students are under 18) of the outcome of the appeal within seven calendar days of receipt of the appeal. Students who are 18 or older may request their parents be copied on the outcome. If a student is emancipated, parents will not be notified of the outcome unless requested by the student.

The school takes appropriate and reasonable steps to prevent recurrence of sexual misconduct and remedy its discriminatory effects.