



ANNUAL SECURITY REPORT 2024

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Letter from the President



College of DuPage Stakeholders:

College of DuPage is committed to keeping our college community safe.

To ensure success, we must provide a secure environment that empowers our students to reach their goals. The Safety and Security Report for 2024 reflects the high standards and meticulous work of the College of DuPage Police Department and local law enforcement agencies. While the sharing of our crime statistics is mandated by state and federal law, we are proud that our safety record is one of the best among institutions of higher learning in the state of Illinois.

The Safety and Security Report contains critical information about the College's policies regarding our Police Department, crime prevention and procedures to respond to a variety of emergencies. Many safety measures are offered by the College to aid our students, faculty, staff and the community, and these include the following:

- On the main campus in Glen Ellyn, we provide an escort program 24 hours per day, seven days a week, for individuals walking from one campus building/parking lot to another campus building/parking lot.
- During the school year, the *Courier*, our student-run newspaper, publishes a weekly report of any campus crime activity.
- A campus violence prevention plan is in place that provides for a violence prevention committee and a campus threat assessment team.
- The Behavioral Intervention Team works to identify persons with troubling behavior so that staff can conduct timely interventions designed to prevent a serious incident.

I encourage everyone to be proactive in keeping our college community safe. Remember, if you see something, say something. College of DuPage Police can be reached at (630) 942-2000.

Respectfully Submitted,

Christine M. Hammond

Dr. Christine M. Hammond
Interim President, College of DuPage

Introduction



College of DuPage is committed to providing a safe and secure environment for all students, faculty members and staff. In addition to reporting crime statistics, this Safety and Security Report documents many of the College's efforts to achieve this goal. The report consists of several sections dealing with crime prevention, crime reporting, crime statistics on COD facilities, the College's policies on sexual assault and other sexual misconduct, and emergency response and procedures.

Included are reports of crimes committed on campus for the previous three years, including those occurring on the College's main campus, 425 Fawell Blvd., Glen Ellyn, regional centers and public properties within or adjacent to these facilities.

The report is required by state and federal legislation, including the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act (Clery Act)*, *Violence Against Women Act* and *State of Illinois Campus Security Enhancement Act*.

The reporting requirements mandated by the Clery Act do not violate the privacy protections granted by the *Family Educational Rights and Privacy Act of 1974 (FERPA)*. As explained by information on the website of the U.S. Department of Education, the FERPA privacy protection extends only to educational records. Records compiled by law enforcement units are not considered educational records, making them exempt from FERPA.

The College is fully committed to transparency, and this report can be found online at cod.edu/campus-security. The report was prepared by the COD Police Department, with law enforcement agencies in the surrounding areas helping to coordinate the effort. The College will also send emails to all students, faculty and staff each year on Oct. 1 to remind the entire campus community that the report is available and how to view it. Copies of the report may also be obtained at the College of DuPage Police Department offices or by calling (630) 942-2000.

The primary office of the COD Police Department is located in the Robert J. Miller Homeland Security Education Center (HEC), Room 1040, with a dispatch center located in the Student Resource Center (SRC), Room 2100. Both offices are open 24 hours a day, seven days a week, and staffed by professional police officers. (630) 942-2000

ABOUT COLLEGE OF DUPAGE

Among the state's public colleges and universities, College of DuPage is the largest community college in the state with more than 26,000 students. Each year, students attend classes at the College's main campus in Glen Ellyn, as well as COD Centers in Addison, Carol Stream, Naperville and Westmont.

VISION

College of DuPage will be the primary college district residents choose for high quality education.

MISSION

The mission of College of DuPage is to educate, enrich and empower our communities for success.

VALUES

Integrity

We expect the highest standard of moral character and ethical behavior.

Honesty

We expect truthfulness and trustworthiness.

Respect

We expect courtesy and dignity in all interpersonal interactions.

Responsibility

We expect fulfillment of obligations and accountability.

Equity

We strive to remove barriers to empower all to achieve their goals.



LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

With a population of almost 26,000 students and more than 2,500 faculty and staff, College of DuPage is larger than many cities. With a community this large occasional criminal activity and emergencies may happen.

The College of DuPage Police Department is staffed by 20 fully sworn police officers who have full law enforcement authority, including the authority to effect arrests, granted by the Illinois General Assembly under 110 ILCS 685/30-45(11). COD police officers are certified by the Illinois Law Enforcement Training and Standards Board and regularly receive advanced training, beyond basic law enforcement academy. Additionally, all COD police officers are required to complete the state-approved course of training as mandated by Section 28 of the Illinois Private Security Act of 1983 and Section 24-2(6) of the Illinois Criminal Code. Additionally, all COD police officers undergo a comprehensive criminal background check, prior to hiring.

The jurisdiction of the COD Police Department includes the main campus of College of DuPage, located in Glen Ellyn, IL, as well as streets adjacent to and running

through campus. The COD Police Department is responsible for any and all incidents requiring a law enforcement response within this jurisdiction.

The COD main campus in Glen Ellyn and its other facilities in Addison, Carol Stream, Naperville and Westmont are all located within municipalities with well-trained, responsive police and fire departments, equipped to handle all emergencies.

The COD police continue to work closely with surrounding law enforcement agencies in formulating crime prevention techniques and emergency incident planning.

The College of DuPage Police Department has in place a memorandum of understanding with local and county law enforcement and maintains memberships with Metropolitan Emergency Response and Investigations Team (MERIT) and the Illinois Law Enforcement Alarm System (ILEAS).

The COD Police Department also belongs to the Illinois Law Enforcement Alarm System (ILEAS), the largest statewide law enforcement mutual aid system that provides local law enforcement agencies with assistance for emergency response, terrorism prevention, natural disasters and other matters.

CAMPUS SECURITY AUTHORITY

COD students, faculty and staff are strongly encouraged to immediately report any criminal activity or suspicious person(s) to the COD Police Department.

The *Clery Act* identifies and defines Campus Security Authorities (CSAs) as College staff members with “significant responsibilities for student or campus activities.” COD has designated and trained many individuals as Campus Security Authorities. The following may be contacted:

- Dr. Mark Curtis-Chávez, Provost
- William Dial, Vice President, Human Resources
- Kent Munsterman, Chief of Police
- Nathania Montes, Dean of Student Affairs
- Chuck Steele, Manager, Student Life
- Kristina Henderson, Student Life
- Assia Baker, Title IX Coordinator
- Ryan Kaiser, Director of Athletics
- Tamara McClain, Associate Vice President, Academic Partnerships and Learning Resources
- James Nehls, Deputy Chief of Police
- Patricia Nigohosian, Administrative Assistant, Academic Affairs
- Stephanie Quirk, Student Life
- Jennifer Robbins, Senior Manager, Advising and Transfer Services

For more information about COD’s Campus Security Authorities (CSAs), contact the Dean of Student Affairs office at (630) 942-2485.

Required by the *Clery Act* is the reporting of all criminal acts, hate crimes, violations of the Violence Against Women Act (VAWA), arrests, disciplinary actions and unfounded crimes.

The *Illinois Abused and Neglected Child Reporting Act* mandates that all college personnel that have reasonable cause to believe persons under the age of 18, known to them in their professional or official capacity, may have been subjected to physical or sexual abuse, may have been at risk of physical or sexual abuse, or are being deprived of the proper or necessary care regarding possible physical or sexual abuse, are required by law to immediately report such mistreatment to the Illinois Department of Children and Family Services (DCFS) by calling the DCFS child abuse hotline at (800) 25-ABUSE.

Employees who report an incident to DCFS may also be required to report the matter to the COD Police Department, depending on the College’s other crime

reporting guidelines. However, those responsible for reporting this conduct are individually responsible for ensuring that the conduct is reported directly to DCFS and should be aware that reporting this conduct to the COD Police Department alone will not fulfill this obligation. Anyone with questions or uncertainty about exactly who qualifies as a mandated reporter or whether a particular situation must be reported to DCFS and/or the Police Department should contact the COD Police Department.

ACCESS TO CAMPUS FACILITIES

Campus buildings and facilities are accessible during normal business hours, 5 a.m. to 11 p.m. daily, except declared holidays. After-hours access may be obtained through exterior doors located on the second floor (south side), where the Berg Instructional Center (BIC) and the Student Resource Center (SRC) meet. Please contact our switchboard at (630) 942-2800, or for after hours and weekends, the Police Department at (630) 942-2000.

MAINTENANCE AND SECURITY OF CAMPUS FACILITIES

Exterior lighting plays an important part in the College’s commitment to safety. Motor vehicle parking lots, pedestrian walkways and building entrances are well lit. Surveys of exterior lighting and emergency call boxes on the main campus are conducted on a regular basis, including a comprehensive monthly survey. All members of the campus community are encouraged to report any lighting deficiencies to the COD Police Department.

The Facility Operations Department regularly inspects campus facilities, promptly makes repairs affecting safety and security and responds to reports of potential safety hazards, such as defective locks or broken windows. COD Facility Operations personnel can be reached by telephone or radio. The phone number is (630) 942-4440.

Exterior doors on campus are locked and secured electronically every evening. Doors and security hardware are checked by campus police officers on a daily basis. Any person noting deficiencies in doors or door locks should contact the COD Police Department at (630) 942-2000.

In order to prevent potential criminals from concealing themselves on campus, shrubbery, trees and other vegetation are trimmed on a regular basis.

Reporting a Crime

PROMPT REPORTING OF A CRIME OR EMERGENCY

Community members, students, faculty, staff and visitors are expected to promptly and accurately report all crimes and public safety-related incidents to the College of DuPage Police Department or the appropriate local police agency.

CONTACT THE AUTHORITIES 24 HOURS A DAY TO REPORT A CRIME.

REPORTING OF CRIMES AND EMERGENCIES	The College of DuPage Police Department is the responsible agency for security and emergency response at COD's main campus in Glen Ellyn. Dial (630) 942-2000 to reach campus police. Off-campus or at any of COD's off-campus centers, dial 911. For non-emergency requests for College of DuPage Police Department services or information, call (630) 942-2000.
EMERGENCY ASSISTANCE CALL BOXES	Use any of the designated call boxes located throughout campus for an immediate connection to the College of DuPage Police Department.
IN PERSON	Contact a College of DuPage police officer on patrol, at the Police Department office in the Robert J. Miller Homeland Security Education Center (HEC), Room 1040, or at the Police Department Dispatch office in the Student Resource Center (SRC), Room 2100. The dispatch office in the SRC is manned 24 hours a day.
ONLINE	Email the College of DuPage Police Department at munsterm@cod.edu .
ANONYMOUS TIP LINES	The Everbridge 'Submit Tips' feature allows you to silently and discreetly send a message to College of DuPage police. The Everbridge app, provided by Everbridge Mobile Safety, enhances safety on campus through a virtual network of friends, family and campus police. More information can be found at www.everbridge.com . To download Everbridge: For the iPhone, go to the App Store, search for "Everbridge," select "Get." For Android, go to the Google Play Store, search for "Everbridge," select "Install." Everbridge features a panic button that gives you a direct connection to campus police, providing a GPS location and personal profile. If you find yourself in an uncomfortable or vulnerable situation on campus, this button will trigger an SOS if your safe code is not entered in a given period of time. SOS notifies the College of DuPage Police Department if you need emergency help while on the College's Glen Ellyn Campus. A 'Submit Tips' feature allows you to silently and discreetly send a message to College of DuPage police.

RESPONSE TO A REPORTED CRIME

In response to a call of a reported crime, criminal behavior or an emergency, the COD Police Department will take the required action, either dispatching an officer or asking the victim to visit the Police Department office to file an incident report. COD Police Department personnel are trained to receive, document and investigate all crimes reported. An officer will work with individuals reporting a crime to obtain information and evidence, identify potential witnesses, and conduct a thorough investigation in an effort to identify the responsible party. When appropriate, crime suspects may be adjudicated through the student conduct system or the criminal justice system.

DAILY INCIDENT LOG

The daily incident log is available electronically on the COD Police Department website at cod.edu/police under *Campus Incident Log*. The crime log contains information concerning reported crimes and typically includes the incident number, classification of the crime, date reported, general location and disposition of the report.

CONFIDENTIAL REPORTING

Crime of any type in any environment is a serious issue for victims, first responders and witnesses reporting possible criminal activity. Anyone familiar with the criminal justice system on even a superficial level understands that reporting a crime can be a traumatic experience for the victim or witness who has the courage and integrity to step forward.

Some may be reluctant to come forward for a variety of reasons, including uncertainty as to whether or not an actual crime was committed, fear of retribution by the accused or possible legal implications for those witnessing and reporting a crime.

The COD Police Department has a procedure in place for collecting voluntary and anonymous reporting of crime. Individuals who report crimes will be given the opportunity to withhold their names as part of a process known as the "Silent Witness Program." The process is easily accessible to students through the COD website, cod.edu. Go to the "About Us" tab, where you will find the Police Department tab, which will take you to the Reporting Crimes and Emergencies tab, then follow the instructions.

This anonymous email is available as a means of reporting misconduct any time a member of the COD community fears reprisals, embarrassment or for any other reason does not feel comfortable reporting incidents through the normal process.

Students and staff may also report a crime anonymously through the COD Everbridge App. Within the app, choose send a tip and your report will automatically be forwarded to the COD Police Department.

This confidential information is reported in COD's *Annual Safety and Security Report*, which is reported to the U.S. Department of Education. Reports filed on a confidential basis are counted and disclosed in the annual crime statistics report for the College. Publicly available record keeping for the purposes of Clery Act reporting and disclosures will be made without the inclusion of the identifying information about the victim, as defined in 42 USC 1395 (a) (20).

The COD Police Department encourages all student mental health counselors to urge persons they are counseling to report crimes on a voluntary, confidential basis by contacting the COD Police Department, if and when they consider the situation appropriate.

EMERGENCY ASSISTANCE CALL BOXES

While COD police officers are trained to respond promptly to incidents of crime and emergency situations, police officers are not able to be everywhere at all times. To enhance timely communication regarding campus safety, the College maintains an extensive network of emergency assistance call boxes throughout the campus in well-lit areas, including campus parking areas and walkways.

The call boxes are connected directly to the COD Police Department and monitored 24 hours a day, seven days a week, including all holidays. The call boxes can be used to:

- Request help
- Report a crime
- Report suspicious activity
- Request an escort
- Report any other type of an emergency you may encounter

Security Awareness and Crime Prevention Programs



If for any reason you feel threatened, or see something—or some person(s)—you consider suspicious, simply press the button on the call box. The call will be answered by a certified police dispatcher in the COD Police Department, who will ask you to explain your situation and send appropriate help to the location on the map.

As part of basic safety awareness, COD urges all students, faculty and staff to become familiarized with the locations of the nearest emergency call box, as well as others throughout the campus.

Provided by Everbridge Mobile Safety, COD Everbridge is a personal safety app for your mobile phone. The COD Everbridge app enhances safety on campus by creating a virtual safety network of friends, family and campus police. More information about Everbridge can be found on the Student Portal at inside.cod.edu. Look for COD Alerts.



Believing it is always more prudent to prevent crimes than react to them after the fact, the COD Police Department seeks to consistently be proactive in dealing with matters of crime and safety. A primary method of accomplishing this goal are the College's Crime Prevention programs.

CRIME PREVENTION AND AWARENESS PROGRAMS

The College's Crime Prevention and Awareness programs are based on the dual concepts of eliminating criminal opportunities whenever possible and encouraging students and employees to be responsible for their own safety, belongings and the safety of others.

The COD Police Department and the Office of Student Services have implemented a number of crime prevention programs and projects. Among them are:

- **Active Violence Preparedness Training:** The COD Police Department designed Phase I, II and III classes to enhance survivability of active violence by increasing mental and emotional preparedness, inoculating stress and empowering.

Crisis Intervention: The COD Police Department offers training designed to enhance the understanding and ability to apply strategies and tactics to effectively manage and de-escalate individuals in crisis.

Crime Prevention Training: The COD Police Department offers community outreach classes regarding strategies to enhance personal safety and mitigate the potential of being victimized by crime.

Situational Awareness Training: The COD Police Department offers community outreach opportunities designed to enhance the community's overall situational awareness and to empower members of the community to "say something if they see something."

Stop the Bleed: Stop the Bleed is a grassroots effort that encourages bystanders to become trained, equipped and empowered to help in a bleeding emergency until professional help arrives.

- **COD Escort Program:** The Glen Ellyn campus operates an escort service 24 hours a day, seven days a week. Students, faculty and staff may be escorted by COD officers when they need to walk from one building/parking lot to another building/parking lot on campus.
- **COD Everbridge** is a personal safety app for your mobile phone. The Everbridge app enhances safety on campus by creating a virtual safety network of friends, family and campus police. More information about Everbridge can be found on the Student Portal at inside.cod.edu. Look for COD Alerts.

- **COD Tips:** The Everbridge 'Submit Tips' feature allows you to silently and discreetly send a message to College of DuPage police. More information about Everbridge can be found on the Student Portal at inside.cod.edu. Look for COD Alerts.
- **Printed Crime Prevention Materials:** Educational brochures are distributed for Situational Awareness Crisis Intervention and Fraud Awareness and Prevention at crime prevention demonstrations and are available at various locations throughout all College locations.
- **Weekly Crime Report:** During the school year, the *Courier*, the school's student-run newspaper, publishes reports of the previous week's crime activity.
- **Crime Prevention Presentations:** Crime prevention presentations, accompanied by written brochures and other written materials, are made available to campus groups and organizations, such as recognized student clubs and organizations and campus departments.
- **Crime Prevention Publicity:** Crime prevention articles and other printed materials are routinely published in the student newspaper.
- **Campus Violence Prevention Plan:** COD has established a Campus Violence Prevention Plan, which includes a Campus Violence Prevention Committee and a Campus Threat Assessment Team.
- **Behavioral Intervention Team (BIT):** COD has established an alliance of College departments focused on early prevention in situations where individuals are observed to have disruptive or troubling behavior. BIT investigates the situation, provides guidance to College staff and completes reports regarding any significant findings. The team can be contacted at: the Dean of Students, (630) 942-2492, Berg Instructional Center (BIC), Room 1417, cod.edu/bit.

For more information about **Sexual Assault Prevention Training**, contact:

Assia Baker, Title IX Coordinator
bakera478@cod.edu

Sexual Assault Prevention and Awareness Virtual Training: College of DuPage complies with the Preventing Sexual Assault in Higher Education Act 110ILCS 155/10. This act requires that the College provide access to Sexual Assault Prevention and Awareness Training to all enrolled students.

ELECTRONIC AND DIGITAL SECURITY SYSTEMS

In the modern world, most large institutions rely heavily on electronic and digital security systems, and COD is no exception. Among the electronic tools employed by the College are:

- **House Telephones and Emergency Security Call Boxes:** Both interior and exterior emergency communications linked to the COD Police Department are located throughout the main campus.
- **Closed Circuit Television Surveillance:** CCTV is used both in the interior and exterior of all buildings on the main campus, as well as parking lots and athletic fields.
- **Electronic Alarm System:** The main campus utilizes an electronic system to monitor a group of intrusion detectors, fire alarms and duress alarm systems.
- **College Photo Identification Card:** COD faculty and staff are required to have a COD photo identification card. The card is required to gain access to the buildings and parking lots, as well as to College functions and for security purposes. Students may also obtain a photo identification card, although it is not mandatory.

TIMELY WARNING NOTICES

The College has developed a matrix of communications outlets to be used in communicating knowledge of a crisis in a timely fashion. In the event that a crime is reported on campus that poses a serious or continuing threat to the COD community and knowledge of that serious crime would aid others in not becoming a victim in a similar case, a campus timely warning notice will be issued to the entire campus community.

When a serious crime is reported to the COD Police Department, the COD police chief or his designee will review all reports to determine if there is an ongoing threat to the community and if the timely warning is warranted. The Marketing and Communications department will then develop the content of the warning and, depending on the vehicle, either Marketing or Information Technology will issue the timely warning using one or more of the following systems:

- COD Alert messaging
- Text message
- Phone call
- Email
- All-College email
- Notices on the College website
- Social media
- Posting notices at building entrances

- Campus plasma screen displays
- Posting on student and employee portals
- Print information in the student newspaper
- Broadcast on the College radio station

Names and identifying information of victims will remain confidential.

Timely warnings are usually distributed for the National Incident Based Reporting System (NIBRS) program classifications: major incidents of arson, criminal homicide and robbery, or other crimes as determined by the chief of police.

Incidents of aggravated assault and sex offenses are considered on a case-by-case basis after reviewing the facts and determining whether there is a continuing threat to the campus community and the amount of information known by the COD Police Department. For example, in the case of an assault between two students, there may be no ongoing threat to the other COD community members, and a timely warning would not be distributed.

In cases involving sexual assault, they are often reported long after the incident occurred, so there is no ability to issue a timely warning to the community. Sex offenses will be considered on a case-by-case basis depending on where and when the incident occurred, when it was reported and the amount of information known by the COD Police Department.

Cases involving property crimes will also be assessed on a case-by-case basis and alerts will be issued if the police chief, or a designee, determines if there exists a discernible pattern of crime.

The Police Department does not generally issue safety alerts for the above listed crimes if:

1. The offender is apprehended and the threat of imminent danger for members of the community has been mitigated by the apprehension.
2. A report was not filed with the Police Department or if the department was not notified in a manner that would allow for the posting of a timely warning to the community.

These types of warnings will be evaluated on a case-by-case basis.

Emergency Procedures



As required by federal and state law, COD has a comprehensive emergency operation plan that details immediate response and evacuation procedures, including the use of electronic and cellular communication.

The COD Police Department has the responsibility of responding to and summoning the necessary resources to mitigate, investigate and document any situation that may constitute an emergency or dangerous situation. In responding, the COD Police Department also has the responsibility to determine if the situation does in fact pose a threat to the health and safety of the College community.

COD police officers have received training in Incident Command and the National Incident Management System. When a serious incident occurs that causes an immediate threat to the campus, the first responders on the scene are typically members of the COD Police Department, with assistance as needed from the police departments of Glen Ellyn and Wheaton, along with the DuPage County Sheriff's Police.

Fire assistance is provided by the Lisle-Woodridge Fire Department. These departments typically respond and work together to stabilize and ultimately resolve the situation. Depending on the scope and seriousness of the event, other local, state or federal agencies may be involved in confirming and responding to the incident.

EMERGENCY NOTIFICATIONS

In the event of a situation posing an immediate threat to the health and safety of students, employees or community members, an Emergency Alert will be issued to expedite emergency response and/or evacuation procedures. The goal of an alert is to notify as many people as possible, as quickly as possible, with adequate follow-up information as needed or available.

The COD Police Department distributes information via the College's emergency notification system, which includes:

- COD Alerts (see box to the right)
- COD website emergency alert message
- Weather radio
- COD weather alerts
- Public address system
- Email messages
- Local radio
- Broadcast alerts to all logged-on campus computer terminals
- Campus TV channels
- Public address systems through fire panels/loudspeakers

COD's Marketing and Communications department will distribute relevant information via social media on a case-by-case basis and will post alerts and subsequent updates to the College website. Local television and radio may broadcast emergency information. All buildings on campus are equipped with weather radios to warn officials of dangerous weather. Emergency sirens are located on campus. Some or all of these methods of communication will be used to provide follow-up information to the COD community. Updates will also be posted on the COD website.

COD students have the option of registering a minimum of two additional personal contacts to receive emergency alerts. These contacts can be spouses, family members or anyone else. In the event of a situation that presents an imminent and verifiable danger to the campus community, notification will be sent to all students and employees as well as personal contacts.

The primary purpose of this service is to notify the people on campus as quickly as possible. Alerts are issued for incidents such as an active threat/shooter, major hazardous materials release, major fire, extended power outage, infectious disease outbreak or a tornado that would directly impact the campus.

COD ALERTS

The College utilizes a voice and text message notification system, provided by Everbridge, to notify the campus community of on-campus emergencies. COD students and staff are automatically enrolled in this program and contact information can be updated by visiting the Student Portal or Everbridge.com.

Alerts are sent to the College community via text message, mobile and/or home phone and email.

COD will send out COD Alerts in major, life-threatening emergencies and will follow all appropriate security and privacy procedures in maintaining information in the system. Students should make sure their information in the system is up to date.

For assistance with COD Alerts or Everbridge, contact the student help desk at (630) 942-2999, or studenthelp@dupage.edu.

EVACUATION PROCEDURES

Emergency drills are conducted at least once annually. Students learn the locations of the emergency exits in all buildings on campus. They are also provided guidance about the direction they should travel when exiting each facility.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in the event of an emergency. The drills are used to educate and train building occupants on issues specific to their building. During an evacuation drill, occupants practice



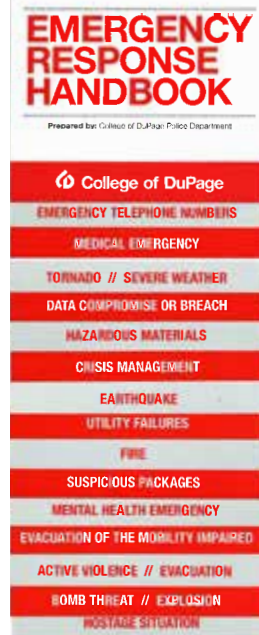
drill procedures and familiarize themselves with the locations of the exits and the sounds of various alarm sirens (fire, weather, etc.). The evacuation drills also provide the College an opportunity to test operation of the various alarm system components.

Evacuation drills are monitored by the COD Police Department

to evaluate egress and behavioral patterns. Reports are prepared by participating departments that identify deficient equipment or processes, so repairs can be made immediately. Recommendations for improvement are also submitted to the appropriate departments for consideration.

As part of the College's comprehensive emergency operation plan, evacuation drills may be conducted announced or unannounced, along with other exercises and follow-through activities. All exercises are documented, along with appropriate after-action reports being completed pursuant to the Illinois Campus Security Enhancement Act. The after-action reports are completed detailing lessons learned, and follow-up items are identified with responsibility for corrective measures assigned to appropriate campus entities.

Emergency Guides that describe emergency procedures are located within every classroom on campus in the beginning of each school year. The COD Emergency Guide describes emergency response and evacuation procedures. The guides are accompanied by evacuation maps and are tailored to the individual building in which the classes or offices are located.



Domestic Violence, Dating Violence, Stalking and Sexual Assault Policies



SEXUAL MISCONDUCT POLICY

COD is committed to providing a safe environment for the entire campus community and as part of this commitment, the College will not tolerate sexual harassment of any type.

College Policy: Sexual offenses, the threat of sexual offenses, sexual assault, dating violence, domestic violence and stalking are prohibited by College of DuPage. See Board Policy 3.11 Sexual Discrimination Harassment and Misconduct for more information.

To combat crimes associated with domestic violence, dating violence, sexual harassment, sexual assault and stalking, the United States Congress passed the *Violence Against Women Act (VAWA)* as part of the *Violent Crime Control and Law Enforcement Act of 1994*. The reauthorization of VAWA in 2000, 2005 and 2013, along with the Campus Save Act and the Clery Act, have worked together to improve the safety of college campuses and enhance the outlook for victims of abuse.

COD is committed to the elimination of any form of sex or gender discrimination in education. *Title IX of the Education Amendments Act of 1972* prohibits discrimination based on sex and gender, including sexual harassment and sexual violence, in all educational activities and programs. (See Board Policy 3.11 Sexual Discrimination, Harassment, and Misconduct for more information including information related to sanctions, protective actions, remedies, and Title IX complaint investigation procedures.)

Sexual harassment in higher education is defined as any unwelcome conduct of a sexual nature.

Whether or not the conduct is explicit or suggested, it is prohibited if submission to or rejection of such conduct is a basis for determining admission, required or expected educational performance, attendance requirements, coursework, placement, quality of instruction, tuition or fees, scholarship opportunities, grades, successful completion of coursework or degree received. Sexual harassment may include unwanted sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Acts of sexual harassment are forms of sex discrimination and explicitly prohibited by *Title IX*.

SEX OFFENDER REGISTRY

College of DuPage fully complies with the Illinois Sex Offender Registration Act, which mandates that all sex offenders employed by or attending an institution of higher education register directly with the COD Police Department. Any student, faculty or staff member, registered as a sex offender in any state, must register, in person, as a sex offender with the college they are attending within three days of beginning classes or employment at that college.

Individuals required to register at COD as a sex offender are not required to pay a registration fee. If the individual is already employed by, or attending class at COD, they must register, in person, within three days of their conviction. Also, that individual must notify the COD Police Department, in person, of any and all changes of employment or enrollment status within three days of such a change. Moreover, registration must be renewed each academic semester until the individual's registration requirement is complete.

Any student or employee who fails to register may face consequences pursuant to the Illinois Compiled Statutes, Code of Student Responsibility, Progressive Discipline, or any other College policies appropriate to the particular situation.

Complying with all legal requirements regarding the on-campus presence of sex offenders would be ineffective without knowledge of how to gain access to the information. As prescribed by law, a list of registered sex offenders registered as being on campus can be reviewed at the COD Police Department. Sex offenders in DuPage County can be located at the DuPage County Sheriff's Department website at dupagesheriff.org/programsandservices/safety/129/.

The Illinois State Police also provides a list of registered sex offenders that can easily be accessed online at isp.state.il.us/sor/. The online database is updated daily and allows searches by name, city, county and ZIP code. This information is being provided under the mandates of the Campus Sex Crimes Prevention Act of 2002.

When a person feels they have been the victim of sexual harassment, the College encourages several courses of action.

They are:

- Make an effort to stop the unwanted behavior by telling the offender clearly that the behavior is unwelcome and offensive to you and you want it to stop.
- Get help from others in the College community. Counseling, Advising and Transfer Services or the dean of students can help you identify a strategy to deal with this problem.
- Tell a friend or colleague; better yet, tell two. If the situation ever progresses to a legal matter, evidence that the victim notified others in a timely fashion can make a difference in the final resolution.
- Be sure to write down the details of the offending behavior, including the dates and time of the incident.

COD seeks to foster a community environment in which all members respect and trust one another. It is the responsibility of all College employees who observe or hear an act of possible sexual misconduct to report it to a College resource:

- Title IX Coordinator Assia Baker, (630) 942-2491, <https://cod.edu/titleix>
- COD Police Department, (630) 942-2000
- Director of Human Resources, Alma Camarena, (630) 942-2691

For more information on sexual harassment and additional resources, contact the Office of the Dean of Students at (630) 942-2485 or email the office: deanofstudents@cod.edu.

EDUCATION REGARDING ISSUES OF SEXUAL HARASSMENT AND SEXUAL ASSAULT

COD is committed to maintaining a safe and healthy educational and employment environment, free from sexual discrimination, sexual harassment and misconduct on the basis of sex.

Traditionally, prevention of sex discrimination was understood to be policies aimed at preventing discrimination based on the female or male sex. But COD recognizes that in the modern world, efforts at the prevention of sexual discrimination need to include other previously marginalized groups. The College's policy seeks to afford protection to community members who have non-traditional sexual orientation or non-traditional gender identity.

The College's Prohibition of Sexual Discrimination, Harassment and Misconduct Policy and Procedures apply to all settings and activities of the College, whether on campus or off, if prohibited behavior adversely affects the health, safety or security of any member of the College community or the interests of the College. The policy and procedure covers all students, faculty and staff, and other individuals who have a relationship with COD and enable the College to maintain some control over the individual's conduct in places and activities that relate to the work of the College.

Sexual offenses, the threat of sexual offenses, sexual assault, dating violence, domestic violence and stalking are prohibited by COD. See Board Policy 3.11, Sexual Discrimination, Harassment, and Misconduct for more information.

To foster a climate of respect on campus, and to educate students, faculty and staff about issues related to preventing and responding to acts of sexual misconduct, the College created policies and procedures that demonstrate its commitment to:

- Prohibiting acts of sexual misconduct, such as sexual harassment, sexual assault or other forms of sex or gender-based discrimination. Included in this category are acts of dating violence, domestic violence and stalking.

- Disseminating clear policies and procedures for responding to acts of sexual misconduct and interpersonal violence reported to or reasonably known to the institution.
- Formulating and delivering prevention and awareness programs and ongoing training and education campaigns to students and employees so they can identify what behavior constitutes sexual misconduct and interpersonal violence; understand how to report such misconduct; recognize warning signs of potentially abusive behavior and ways to reduce risk; learn about safety and viable options as related to a bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence or stalking another person.

As legally mandated by the Clery Act, COD is required to report certain sexual offenses occurring on or near campus to the proper authority. The victim/survivor has the choice of whether or not to file a report or proceed with any legal action. Students should consult Board Policy 3.40: Reporting Criminal Acts and Emergencies, and Board Policy 5.15: Code of Student Conduct.

But before a sexual assault is reported to the proper authorities, the victim needs to take steps to survive the assault and mitigate injuries to the greatest extent possible.

If a sexual offense occurs, the victim's first priority should be to protect themselves by:

- Finding a safe place.
- Seeking medical treatment for possible physical injuries, transmission of sexually transmitted infections and pregnancy.

In the event that the survivor intends to press charges or instigate any legal proceedings, care must be taken to preserve evidence of the assault. The survivor should:

- Avoid showering, bathing, changing clothes, washing hands, using the toilet or brushing your teeth.
- If you must change your clothes, save all of the clothing you were wearing at the time of the assault and place each item in a separate paper bag.
- Keep in mind that the area where the assault took place is a crime scene and avoid disturbing anything in the area.
- File a report.
- Seek support and counseling.

THE FEDERAL CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic situations.

The *Campus Sexual Assault Victims' Bill of Rights* was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights.

Victims of a sexual assault may file a criminal complaint by contacting the COD Police Department at (630) 942-2000, or by appearing in person at the Robert J. Miller Homeland Security Education Center (HEC), Room 1040, or the dispatch office located in the Student Resource Center (SRC), Room 2100 outside of the coffee shop. Both offices are open 24 hours a day, seven days a week, and are staffed by professional police officers.

The College's prevention program consists of proactive educational programming as well as counseling and assistance services. Programs designed to prevent dating violence, domestic violence, sexual assault and stalking include both primary prevention and awareness programs directed at new, incoming students and new employees. These programs are also directed at continuing students and all employees.

Ongoing prevention programs are programming initiatives and strategies that are designed to be sustained over time and focus on increasing understanding of topics relevant to and addressing dating violence, domestic violence, sexual assault and stalking, using a range of strategies before audiences throughout the College.

Primary prevention programs are designed to stop dating violence, domestic violence, sexual assault and stalking before these situations occur. These programs and initiatives are based on research or assessed value for effectiveness and include stressing behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms.



Risk reductions are options to decrease perpetration of sexual misconduct and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals. They include:

- **Awareness programs:** College-wide or audience-specific programming initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce incidents of sexual misconduct of any type.
- **Bystander intervention:** Safe and positive actions that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

Additional education efforts include:

Resources developed to assist in education programs:

- VAWA Guide: Definitions and How to Report
- Take a Stand: Understanding Sexual Violence and Offering Resources
- Title IX Resource Guide: Policy Guide and Resources

Employee training efforts are designed to address:

- *Clery*, Title IX, VAWA-laws and regulations
- Primary prevention
- Bystander intervention
- Risk reduction
- Responding to reports of sexual discrimination, harassment and/or misconduct
- Reporting options and how to report
- College policy and procedure

HOW TO BE AN ACTIVE BYSTANDER

Bystanders can play a critical role in the prevention of sexual and relationship violence. COD seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. If you or someone else is in immediate danger on the main campus, dial 2000, or 911 at one of the College's regional centers.

Bystander intervention educational opportunities have been made available to students online and through student organizations. Each spring, Alter Ego (AEP), a student organization, brings a performance group on campus to promote an awareness of sexual misconduct. Written materials for all students, such as "Not on My Watch," have been created by Student Life. In collaboration with Human Resources, Student Affairs and the COD Police Department, the College continues to update and expand procedures and training manuals for students and employees to become more familiar with opportunities for awareness and prevention.

DEFINING SEXUAL OFFENSE

COD recognizes that there are many ways to perpetrate sexual violence. Incidents may occur through physical force, intimidation, manipulation or coercion. This may include the voluntary or involuntary use of drugs and/or alcohol that renders the survivor unable to give consent. Sexual offenses can occur within personal relationships, including those that are intimate, professional, familial or friendly. In fact, sexual offenses involving strangers constitute only a small percentage of reported cases of sexual misconduct.

Individuals of any sex, sexuality or any gender identification may experience a sexual offense.

A student may choose to pursue Board Policy 5.15: Code of Student Conduct with respect to sexual violence. Upon request, the dean of students may accommodate changing classes and/or arranging for escorts. The College will take reasonable steps to notify complainants in writing of outcomes and sanctions.

Sexual offense definition: A sexual offense is any unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger, that occurs without indication of consent of either/any of the individuals involved, or that occurs under the threat of coercion.

Sexual offenses include, but are not limited to, rape (also referred to as sexual assault in the State of Illinois), forcible sodomy, sexual assault with an object, fondling or kissing without consent, incest, statutory rape and the threat of a sexual assault.

TERMINOLOGY PROCEEDING:

All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

RESULT:

Any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters within the institution. The result includes any sanctions imposed by the institution.

The United States Department of Justice and the Federal Bureau of Investigation also provide definitions of rape: "the penetration, no matter how slight, of the vagina or the anus with any body part or object, or oral penetration by the sex organ of another person, without the consent of the victim." This definition includes any instances in which the victim is incapable of giving consent because of permanent or temporary mental or physical incapacity, including due to the influence of drugs or alcohol or because of age. Physical resistance from the victim is not required to demonstrate lack of consent.

Consent is defined as a clearly and freely given word or overt action confirming a willing desire to move forward with a specific sex request or experience. It should be stressed that the absence of the victim saying "no" should never be interpreted as a "yes." Consent is given by an affirmative response, not the lack of one.

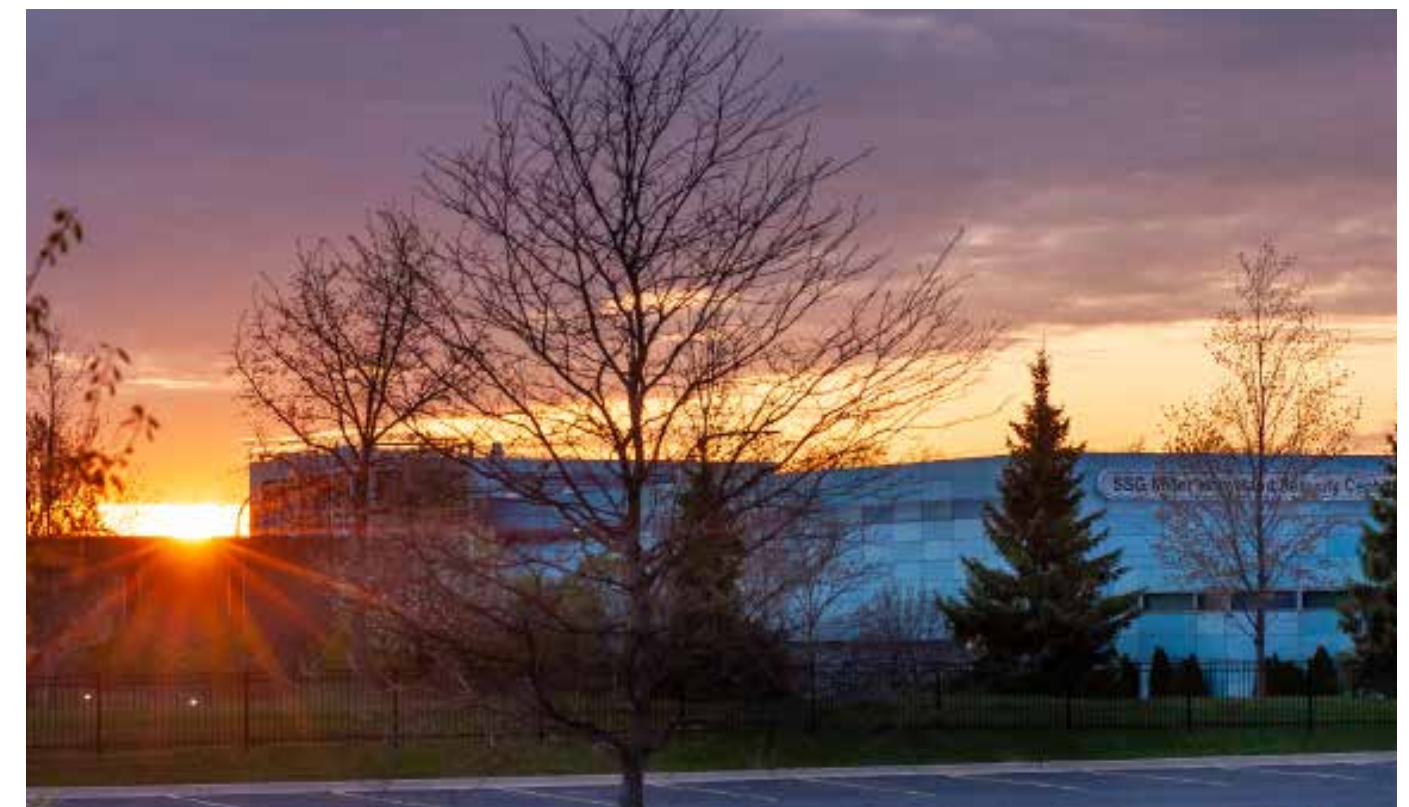
Consent cannot be obtained from individuals who have a temporary or permanent mental or physical incapacity, including being under the influence of drugs or alcohol or because of age.

REPORTING OF SEXUAL ABUSE AND SEXUAL ASSAULT

If you have experienced, or think you have experienced, a sexual assault, whether on or off campus, by a member of the College community or not, COD is committed to offering a supportive and secure environment for you to access resources and consider your available options.

Victims of sexual offenses are encouraged to file a criminal complaint by contacting the COD Police Department at (630) 942-2000; visiting the department's primary office at the Robert J. Miller Homeland Security Education Center (HEC), Room 1040; or contacting the dean of students, (630) 942-2485. To provide a safe and sensitive environment, staff members in these departments receive training on working with survivors of sexual assaults.

It is important to remember that there is nothing a person can do to deserve or provoke a sexual offense.



COLLEGE OF DUPAGE POLICE SEXUAL ASSAULT RESPONSE COMMITMENT

Sexual assault, including date rape, is a very serious concern of this police department. If you feel you are a victim of a sexual assault on campus, the police department will guarantee the following:

1. We will meet with you privately, at a time and local place of your choice, to take your report.
2. We cannot and will not notify your parents or legal guardian without your consent unless you are under 18, or an adult victim who is incompetent or incapacitated.
3. We will treat you and your particular case with courtesy, sensitivity, dignity, understanding and professionalism.
4. Our officers will not prejudge you, and you will not be blamed for what occurred.
5. We will assist you in arranging for any necessary hospital treatment, contact an advocate and assist with other needs.
6. If you would feel more comfortable talking with a friend or advocate of your choice present, we will do our best to accommodate your request.
7. We will fully investigate your case and will help you to achieve the best outcome. This may involve the arrest and prosecution of the suspect responsible. You will be kept up-to-date on the progress of the investigation and/or prosecution.
8. We will assist you in privately contacting counseling and other available resources.
9. We will continue to be available to answer your questions, to explain the system and process involved (prosecutor, courts, etc.) and to be a listening ear if you wish.

If you are a victim of sexual assault, call the College of DuPage police department at (630)-942-2000 (any time of day or night) to make a complaint privately.

If you are the victim of a sexual assault off campus, call the local Police Department by dialing 911.

You have the right to have a support person with you while you make the report.



A report on file serves as the initial documentation of the incident and allows for an immediate response by the COD Police Department or the dean of students. Whether or not the victim decides to proceed with criminal or other legal action, the report also allows students access to the College's Board Policy 20-35: Code of Student Conduct. Please note that the student will have to reveal their name in the report if they wish the COD Police Department to pursue an investigation or if they want the dean of students to conduct Board Policy 20-35: Code of Student Conduct.

When a report is received, internal and external options will be reviewed with the student, including contacting the COD Police Department, receiving medical treatment, contacting community sexual assault support agencies, activating Board Policy 5.15: Code of Student Conduct, or connecting with COD Counseling Services or available off-campus counseling services.

For students or employees who report being victims of sexual assaults, the College has made resource guides available, in print and online. The Title IX Resource Guide provides contact information, what to do and say, and a written explanation of a victim's rights and options.

FILING A TITLE IX COMPLAINT

In addition to, or instead of, filing a criminal complaint, students who feel they have been the victim of sexual misconduct have the right to file a Title IX complaint with the College at any time, even if the police

investigation concludes that there is not sufficient evidence for a criminal charge.

For more information on Title IX options, contact Title IX Coordinator Assia Baker, (630) 942-2491, <https://cod.edu/titleix>.

HOW TO FILE A CONFIDENTIAL REPORT OF SEXUAL HARASSMENT

Victims, bystanders or other parties may also file an anonymous or confidential complaint without the disclosure of the incident triggering an official investigation. The victim can still receive medical treatment, advocacy services, legal assistance or counseling. Conversations with a confidential resource are privileged communications and are not disclosed to other authorities, including law enforcement or College officials.

To speak with a confidential advisor, contact the YWCA Metropolitan Chicago Rape Crisis Hotline at (630) 971-3927.

All conversations between a confidential advisor/resource pertaining to an incident of sexual violence shall remain confidential, unless the student consents to the disclosure of the communication in writing. An exception would be that the confidential advisor/resource may disclose confidential information from the student if the failure to disclose would result in a clear, imminent risk of serious physical injury or death to the student or another person.

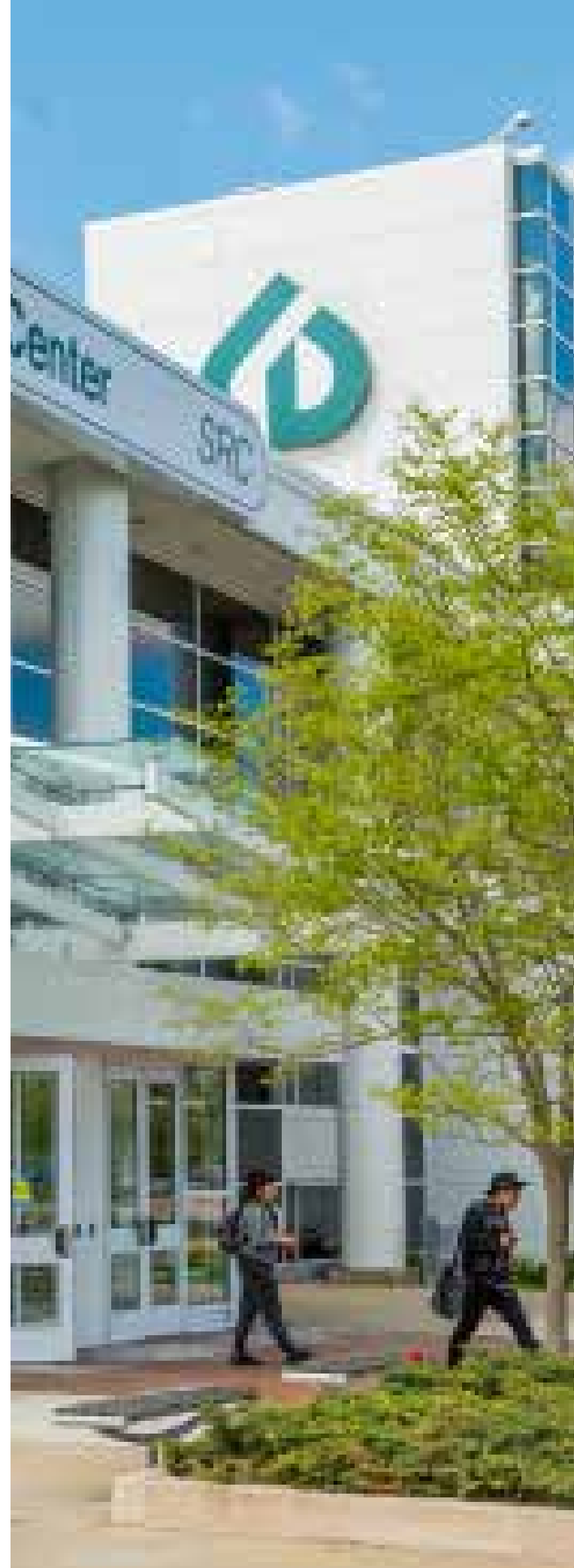
POSSIBLE SANCTIONS FOR THOSE FOUND IN VIOLATION OF SEXUAL HARASSMENT POLICIES

The following sanctions may be imposed, by the College, following the final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape or other forcible or non-forcible sex offenses. More than one of the sanctions listed may be imposed for any single violation.

A student may be required to participate in counseling, educational seminars, or to seek medical attention, in lieu of, or in addition to the imposition of sanctions.

- **Disciplinary Warning:** A notice in writing stating the student has violated the Code of Student Conduct.
- **Disciplinary Probation:** A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary actions if the student is again found to be in violation of the Student Code of Conduct during the probationary period.
- **Disciplinary Loss of Privileges:** Denial of access to privileges commonly available to students and alumni of COD. These may include, but are not limited to: access to particular student employee positions on campus; access to the library; access to computer facilities; access to career and placement services; access to scholarships; access to academic honors and participation in clubs, organizations, athletics or campus activities. This loss of privileges may stand alone, it may accompany a suspension and it normally accompanies extended suspension.
- **Withdrawal from Class:** Administrative withdrawal from a class or classes in which a student is enrolled for the current and/or subsequent semester. Administrative withdrawals do not provide for the refund of tuition and fees.
- **Limit Access:** Administrative restriction to selected areas or locations of College facilities.
- **Restitution:** The student may be required to compensate for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

- **Community Service:** A project to help make reparation to the community and demonstrate that awareness of prohibited behavior has been gained by the offending person.
- **Other Penalties:** The offending student may be denied a transcript or degree until all of the obligations of the judicial body are met, or until other penalties are imposed as may be determined to be appropriate.
- **Disciplinary Suspension:** Denial of permission to register for academic work at COD for a designated period of time, usually not more than one year. Conditions for readmission will be specified by the student judicial officer. Students under this sanction must petition the student judicial officer in writing for readmission.
- **Extended Disciplinary Suspension:** Dismissal from COD for a designated period. Students under this sanction must petition the student judicial officer in writing for readmission to COD.
- **Summary Disciplinary Suspension:** If, in the opinion of the dean of students and/or the Behavior Intervention Team (BIT), a student's conduct poses an immediate threat to that student, members of the College community or school property, or poses an ongoing threat of disruption to the educational process, the student may be summarily suspended from the College without holding the student judicial hearing. In such event, written notice sent by certified mail, return receipt requested, must be sent to the student on the date of the summary suspension. The notice will state the reason for the student's removal from the College and will request that the student contact or meet with the dean of students within three (3) calendar days after the notice was received. If the student fails to respond to the notice or fails to attend the conference, it will be considered a waiver of the conference. A student who presents such a threat to the education process may also be suspended by the dean of students after an informal conference, pending review of the complaint by the Behavior Intervention Team.
- **Expulsion:** Permanent termination of student status from COD, with consequent loss of tuition and fees.



MEDICAL TREATMENT

A person who has experienced a sexual offense is encouraged to seek an appropriate medical evaluation as promptly as possible. The medical evaluation may include treatment of injuries suffered during the assault, treatment of sexually transmitted infections and a full examination for collection of physical evidence should a person later decide to pursue a criminal prosecution and/or civil action. Additional resources may be available at the time of treatment.

INFORMATION ON SUPPORT AND COUNSELING FOR SEXUAL ABUSE VICTIMS

Whether or not a report is filed, counseling is available for survivors of sexual assault, with the option of confidential disclosure. Survivors may experience Rape Trauma Syndrome, with symptoms similar to Post Traumatic Stress Disorder. This condition may be serious and should be treated with respect and sensitivity. Sexual violence can affect all areas of a survivor's life and counseling can provide support to help navigate the victim through any issues that may arise.

OFF-CAMPUS RESOURCES

DuPage County Rape Crisis Hotline
(888) 293-2080

National Sexual Assault Hotline
(800) 656-HOPE (4673)

YWCA Confidential Advisors/Sexual Assault Support Service

(630) 971-3927 (DuPage County)
(888) 293-2080 (Chicago)

The YWCA Rape Crisis Hotline operates 24 hours a day, seven days a week and provides free numbers where survivors of sexual assault and their significant others can call to receive, confidential, immediate assistance.

Mutual Ground Sexual Assault Hotline
(630) 897-8383

Alcohol, Illegal Drug and Substance Abuse Policies



The State of Illinois prohibits the sale, use or possession of all forms of alcoholic beverages by persons under the age of 21. All members of the campus community are responsible for adhering to Board Policy 5.15 — Code of Student Conduct, 3.24 — Alcohol Free Campus, and 3.25 — Drug Free Campus.

Additionally, students are expected to comply with the laws when it comes to the purchase and consumption of alcohol and the prohibition of purchasing and using or distributing illegal drugs and/or controlled substances. Students should be aware that this prohibition includes the use, sale or distribution of prescription medication to persons other than to whom it was prescribed.

In addition to illegal drugs such as marijuana, hallucinogens, narcotics, club drugs and medications obtained without a prescription, the following substances are prohibited on campus: MDPV or “bath salts,” Salvia, K2 and Spice.

Students who are alleged to have violated the College policy are mandated to meet with the dean of students. The College reserves the right to take any action deemed necessary to protect the College’s interests and the safety of its students in cases involving the use, sale, possession or distribution of illegal or controlled drugs.

HEALTH PROMOTION AND AWARENESS RELATING TO ALCOHOL AND DRUGS

This information is provided in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.

In keeping with its mission, the College is committed to providing not only a safe and secure environment for members of the campus community, but a healthy one. The College has adopted and implemented programs to prevent abuse of alcohol and use or distribution of illegal drugs by students and employees both on its premises and as part of any of the College’s activities.

Through the use of multiple strategies, the College provides a framework for addressing alcohol and other drug-related issues for the COD community. It is important that students and staff be aware of COD’s Drug- and Alcohol-Free College Policy 3.25 and possible

disciplinary actions taken against students or employees who violate this policy. COD strives to remain in compliance with the requirements of the Drug-Free Schools and Communities Act.

The educational programming includes training for key personnel including staff in the Police Department and Student Affairs. The training itself consists of making personnel aware of basic information on identifying behaviors of people who may be abusing alcohol or drugs, and proper steps in staging an intervention.

Those with additional training, in turn, provide information to students, faculty and staff. As part of a new employee’s orientation, employees are made aware of the College’s policies and procedures regarding alcohol and illegal drug use.

Information is available about the Employee Assistance Program, made available to all employees, along with details regarding services available to all employees. All services, including the crisis hotline available 24 hours a day, seven days a week, are posted on the Human Resources website.

Education and prevention programs at COD include:

- National Association of Alcohol Awareness Week
- Alcohol and Drug Awareness Brochures and Displays
- Counseling Services Workshops
- COD Classes: Human Services courses on Addiction and Addiction Counseling, Physical Education 2251
- Anonymous Alcohol Screening online at: www.mentalhealthscreening.org/screening/COD
- Employee Assistance Program: Northwestern Medicine (888) 933-1327
- Student Assistance Program: Northwestern Medicine (855) 933-8727
- Emergency Response Handbook, posted in every office/classroom on campus
- New Employee Orientation
- Preventing Sexual Assault online training course for all students

IN CASE OF A DRUG OVERDOSE OR ALCOHOL POISONING

Students should be prepared to seek help or call (630) 942-2000 or 911 when a peer may be experiencing a drug overdose or alcohol poisoning. Students are expected to take action in such situations and not remain a passive bystander. Here are the symptoms of alcohol poisoning, and remember, not all of the symptoms need to be present for alcohol poisoning to occur:

- Person is unconscious and cannot be roused
- Person is in a stupor or exhibits confusion
- Person is vomiting; prop unconscious persons on their sides so they won't choke on their own vomit
- Skin is pale, has a blue tinge and/or skin is cold to the touch
- Abnormally slow breathing (less than eight breaths a minute) and/or irregular breathing (a gap of more than 10 seconds between breaths).
- Seizures

Drug overdose symptoms vary depending on the drug consumed, but students should be familiar with this general list of symptoms that indicate help is needed. As with alcohol poisoning, not all of the symptoms need to be present for an overdose to occur:

- Abnormal pupil size
- Agitation, or aggressive, violent behavior
- Convulsions
- Delusional or paranoid behavior
- Difficulty breathing
- Drowsiness
- Hallucinations
- Nausea and vomiting
- Nonreactive pupils (pupils that do not change size when exposed)
- Staggering or unsteady gait
- Sweating or extremely dry, hot skin
- Tremors
- Unconsciousness or death

POSSIBLE SANCTIONS FOR THOSE FOUND IN VIOLATION OF ALCOHOL, ILLEGAL DRUG AND SUBSTANCE ABUSE POLICIES

The following sanctions may be imposed, by the College, following the final determination of an institutional disciplinary proceeding regarding the violation of Alcohol, Illegal Drug and Substance Abuse policies. More than one of the sanctions listed may be imposed for any single violation.

A student may be required to participate in counseling, educational seminars, or to seek medical attention, in lieu of, or in addition to the imposition of sanctions.

- **Disciplinary Warning:** A notice in writing stating the student has violated the Code of Student Conduct.
- **Disciplinary Probation:** A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary actions if the student is again found to be in violation of the Student Code of Conduct during the probationary period.



- **Disciplinary Loss of Privileges:** Denial of access to privileges commonly available to students and alumni of COD. These may include, but are not limited to: access to particular student employee positions on campus; access to the library; access to computer facilities; access to career and placement services; access to scholarships; access to academic honors and participation in clubs, organizations, athletics or campus activities. This loss of privileges may stand alone, it may accompany a suspension and it normally accompanies extended suspension.
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- **Limit Access:** Administrative restriction to selected areas or locations of College facilities.
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the student may be summarily suspended from the College without holding the student judicial hearing. In such event, written notice sent by certified mail, return receipt requested, must be sent to the student on the date of the summary suspension. The notice will state the reason for the student's removal from the College and will request that the student contact or meet with the dean of students within three (3) calendar days after the notice was received. If the student fails to respond to the notice or fails to attend the conference, it will be considered a waiver of the conference. A student who presents such a threat to the education process may also be suspended by the dean of students after an informal conference, pending review of the complaint by the Behavior Intervention Team.

- **Expulsion:** Permanent termination of student status from COD, with consequent loss of tuition and fees.

College of DuPage Crime Statistics



College of DuPage believes that an informed, educated public inevitably leads to a more safety-conscious public. The College also seeks to be as transparent as possible with students, faculty, staff and the surrounding community.

To accomplish these goals, the College maintains an accurate record of campus crime, arrests and referral statistics, including incidents reported to the COD Police Department, Campus Security Authority and local police departments.

The following reported crime statistics are provided in compliance with the Clery Act of 1990 and cover the period from January 1 to December 31 for each of the three preceding years.

Annually, a link to the report is emailed to all students, faculty and staff. Prospective students and employees are also notified that the report is available. Copies of the report may also be obtained at the COD Police Department office.

The statistics are grouped by College facilities, including the College's main Glen Ellyn campus, and facilities at Addison, Carol Stream, Naperville and Westmont. Categories of criminal offenses listed include the following: all criminal offenses, hate crimes, acts of violence against women (VAWA), arrests made, disciplinary actions and unfounded crimes.

The statistics for the main campus are compiled throughout the year by utilizing the COD Police Department Computer-Aided Dispatch System. Statistics for other COD facilities are requested from the local police departments of Naperville, Westmont, Addison and Carol Stream.

Statistics are compiled in accordance with definitions used by the National Incident-Based Reporting System (NIBRS) of the United States Department of Justice, Federal Bureau of Investigation.

UNFOUNDED CRIMES

There are instances where statistics on arrests, or reports of arrests, may be withheld or removed from the compiled data. This happens on the rare occasions where sworn or commissioned law enforcement personnel have fully investigated the report, and, based on the investigation and the available evidence, have made the formal determination that the report of the crime is false, or baseless.

The official determination of a reported crime that is found to be false or baseless is that the reported crime was "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for the purposes of reporting under this section.

Technicalities, such as the recovery of stolen property, the refusal of a victim to cooperate with prosecution and the failure to make an arrest do not "unfound" a crime report.

CLERY GEOGRAPHY

Under the Clery Act, College of DuPage must report statistics in the annual safety report for crimes according to their occurrence in the following locations, or geographic categories:

On-campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Public Property: All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus Buildings or Property: By definition, College of DuPage does not have any non-campus buildings or property. Crime statistics are included with Campus Crime Statistics.

COD MAIN CAMPUS GLEN ELLYN

Criminal Offenses			
TYPE OF OFFENSE	YEAR	ON CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Manslaughter by negligence			
	2021	0	0
	2022	0	0
	2023	0	0
Rape			
	2021	0	0
	2022	0	0
	2023	0	0
Fondling			
	2021	0	0
	2022	0	1
	2023	0	0
Incest			
	2021	0	0
	2022	0	0
	2023	0	0
Statutory rape			
	2021	0	0
	2022	0	0
	2023	0	0
Robbery			
	2021	0	0
	2022	0	0
	2023	0	0
Aggravated assault			
	2021	0	0
	2022	0	0
	2023	0	0
Burglary			
	2021	0	0
	2022	0	0
	2023	0	0
Motor vehicle theft			
	2021	0	0
	2022	0	0
	2023	0	0
Arson			
	2021	0	0
	2022	0	0
	2023	0	0
Hate crimes			
	2021	0	0
	2022	0	0
	2023*	4	0

*In 2023, all four (4) hate crime incidents were destructive/damage/vandalism of property related to religion.

COD MAIN CAMPUS GLEN ELLYN

VAWA Offenses			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Domestic violence			
	2021	0	0
	2022	1	1
	2023	2	0
Dating violence			
	2021	0	0
	2022	0	0
	2023	0	0
Stalking			
	2021	0	0
	2022	0	0
	2023	3	0
Arrests			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	1	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	2	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Actions			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	1	0
	2023	1	0
Drug abuse violations			
	2021	0	0
	2022	1	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0

During 2021, 2022 and 2023, one crime was unfounded after a police investigation in 2022.

COD ADDISON CENTER

Criminal Offenses			
TYPE OF OFFENSE	YEAR	ON CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Rape			
	2021	0	0
	2022	0	0
	2023	0	0
Fondling			
	2021	0	0
	2022	0	0
	2023	0	0
Incest			
	2021	0	0
	2022	0	0
	2023	0	0
Statutory rape			
	2021	0	0
	2022	0	0
	2023	0	0
Robbery			
	2021	0	0
	2022	0	0
	2023	0	0
Aggravated assault			
	2021	0	0
	2022	0	0
	2023	0	0
Burglary			
	2021	0	0
	2022	0	0
	2023	0	0
Motor vehicle theft			
	2021	0	0
	2022	0	0
	2023	0	0
Arson			
	2021	0	0
	2022	0	0
	2023	0	0
Hate crimes			
Note: There were no hate crimes reported for 2021, 2022 or 2023.			

COD ADDISON CENTER

VAWA Offenses			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Domestic violence			
	2021	0	0
	2022	0	0
	2023	0	0
Dating violence			
	2021	0	0
	2022	0	0
	2023	0	0
Stalking			
	2021	0	0
	2022	0	0
	2023	0	0
Arrests			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Actions			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0

- COD provided these statistics in conjunction with local police authorities.
- During 2021, 2022 and 2023 no crimes were unfounded after police investigation.

COD CAROL STREAM CENTER

Criminal Offenses			
TYPE OF OFFENSE	YEAR	ON CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Rape			
	2021	0	0
	2022	0	0
	2023	0	0
Fondling			
	2021	0	0
	2022	0	0
	2023	0	0
Incest			
	2021	0	0
	2022	0	0
	2023	0	0
Statutory rape			
	2021	0	0
	2022	0	0
	2023	0	0
Robbery			
	2021	0	0
	2022	0	0
	2023	0	0
Aggravated assault			
	2021	0	0
	2022	0	0
	2023	0	0
Burglary			
	2021	0	0
	2022	0	0
	2023	0	0
Motor vehicle theft			
	2021	0	0
	2022	0	0
	2023	0	0
Arson			
	2021	0	0
	2022	0	0
	2023	0	0
Hate crimes			
Note: There were no hate crimes reported for 2021, 2022 or 2023.			

COD CAROL STREAM CENTER

VAWA Offenses			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Domestic violence			
	2021	0	0
	2022	0	0
	2023	0	0
Dating violence			
	2021	0	0
	2022	0	0
	2023	0	0
Stalking			
	2021	0	0
	2022	0	0
	2023	0	0
Arrests			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Actions			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0

- COD provided these statistics in conjunction with local police authorities.
- During 2021, 2022 and 2023 no crimes were unfounded after police investigation.

COD NAPERVILLE CENTER

Criminal Offenses			
TYPE OF OFFENSE	YEAR	ON CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Rape			
	2021	0	0
	2022	0	0
	2023	0	0
Fondling			
	2021	0	0
	2022	0	0
	2023	0	0
Incest			
	2021	0	0
	2022	0	0
	2023	0	0
Statutory rape			
	2021	0	0
	2022	0	0
	2023	1	0
Robbery			
	2021	0	0
	2022	0	0
	2023	0	0
Aggravated assault			
	2021	0	0
	2022	0	0
	2023	0	0
Burglary			
	2021	0	0
	2022	0	0
	2023	1	0
Motor vehicle theft			
	2021	0	0
	2022	0	0
	2023	0	0
Arson			
	2021	0	0
	2022	0	0
	2023	0	0
Hate crimes			
Note: There were no hate crimes reported for 2021, 2022 or 2023.			

COD NAPERVILLE CENTER

VAWA Offenses			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Domestic violence			
	2021	0	0
	2022	0	0
	2023	0	0
Dating violence			
	2021	0	0
	2022	0	0
	2023	0	0
Stalking			
	2021	0	0
	2022	0	0
	2023	0	0
Arrests			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Actions			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0

- COD provided these statistics in conjunction with local police authorities.
- During 2021, 2022 and 2023 no crimes were unfounded after police investigation.

COD WESTMONT CENTER

Criminal Offenses			
TYPE OF OFFENSE	YEAR	ON CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Negligent manslaughter			
	2021	0	0
	2022	0	0
	2023	0	0
Rape			
	2021	0	0
	2022	0	0
	2023	0	0
Fondling			
	2021	0	0
	2022	0	0
	2023	0	0
Incest			
	2021	0	0
	2022	0	0
	2023	0	0
Statutory rape			
	2021	0	0
	2022	0	0
	2023	0	0
Robbery			
	2021	0	0
	2022	0	0
	2023	0	0
Aggravated assault			
	2021	0	0
	2022	0	0
	2023	0	0
Burglary			
	2021	0	0
	2022	0	0
	2023	0	0
Motor vehicle theft			
	2021	0	0
	2022	0	0
	2023	0	0
Arson			
	2021	0	0
	2022	0	0
	2023	0	0
Hate Crimes			
Note: There were no hate crimes reported for 2021, 2022 or 2023.			

COD WESTMONT CENTER

VAWA Offenses			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Domestic violence			
	2021	0	0
	2022	0	0
	2023	0	0
Dating violence			
	2021	0	0
	2022	0	0
	2023	0	0
Stalking			
	2021	0	0
	2022	0	0
	2023	0	0
Arrests			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Actions			
CRIME	YEAR	ON CAMPUS	PUBLIC PROPERTY
Weapons: carrying, possessing, etc.			
	2021	0	0
	2022	0	0
	2023	0	0
Drug abuse violations			
	2021	0	0
	2022	0	0
	2023	0	0
Liquor law violations			
	2021	0	0
	2022	0	0
	2023	0	0

- COD provided these statistics in conjunction with local police authorities.
- During 2021, 2022 and 2023 no crimes were unfounded after police investigation.

Crime Definitions

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Forcible Sex Offenses: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Forcible Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim. NOTE: This definition encompasses acts of sodomy and sexual assault with an object.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Non-Forcible Sex Offenses: Unlawful, non-forcible sexual intercourse.

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force, violence and/or causing the victim fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone) and dangerous non-narcotic drugs (barbiturates, Benzadrine).

Illegal Weapons Law Possession: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship. And the frequency of interaction between the persons involved in the relationship.
- (2) For purposes of this definition:
 - (i) Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- (3) For purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Cleary Act reporting.

Domestic Violence:

- (1) A felony or misdemeanor crime of violence committed:
 - (i) By a current or former spouse or intimate partner of victim
 - (ii) By a person with whom the victim shares a child in common
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
 - (iv) By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
 - (v) By any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking:

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (i) Fear for the person's safety or the safety of others; or Stalking (contd.)
 - (ii) Suffer substantial emotional distress
- (2) For purposes of this definition:
 - (i) 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.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) Reasonable person means a reasonable under similar circumstances and with similar indentities to the victim.

HATE CRIME DEFINITIONS

Hate Crimes: A criminal offense committed against a person or property that is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation or ethnicity/national origin.

COD is required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

Larceny-Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

If a hate crime occurs where there is an incident involving intimidation, destruction/damage/vandalism of property, larceny-theft or simple assault, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

CLERY CRIME DEFINITIONS

Criminal Homicide

A. Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

B. Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. NOTE REGARDING DATE RAPE DRUGS: Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator's attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.

A. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. NOTE: This definition encompasses acts of sodomy and sexual assault with an object. *Per FBI NIBRS SUMMARY REPORTING.

B. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Statutory Rape: The non-forcible sexual intercourse with a person who is under the age of consent. For the State of Illinois the age of consent is 17 years. Illinois allows 0 years age difference between two participating persons to whom the section applies.

D. Incest: The non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

E. Sexual Assault: Any nonconsensual sexual act proscribed by Federal or Illinois law, including when the victim lacks capacity to consent. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's NIBRS program. (42 U.S. Code Section 13925 (a)(29))

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned—including joy riding).

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes: A hate crime is a criminal offense committed against a person or property which is motivated in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity/national origin, or gender identity.

A. Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

B. Gender: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

C. Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

D. Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

E. Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

F. Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

G. National Origin: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

H. Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., transgender or gender non-conforming individuals).

For the purposes of Clery, hate crimes include any offense in the following group that is motivated by bias. FBI UCR General and Hate Crimes include:

- Murder and Non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

FBI NIBRS Crime Definitions for Crimes Specifically Used for Hate Crimes:

Larceny/Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another (Larceny and theft mean the same thing in the UCR). Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES:

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (1) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship. And the frequency of interaction between the persons involved in the relationship.
- (2) For purposes of this definition:
 - (i) Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- 3) For purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence:

- (1) A felony or misdemeanor crime of violence committed:
 - (i) By a current or former spouse or intimate partner of victim
 - (ii) By a person with whom the victim shares a child in common
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
 - (iv) By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
 - (v) By any other person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking:

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (i) Fear for the person’s safety or the safety of others; or Stalking (contd.)
 - (ii) Suffer substantial emotional distress
- (2) For purposes of this definition:
 - (i) 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.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) Reasonable person means a reasonable under similar circumstances and with similar identities to the victim.



College Policies and Procedures



POLICIES ARE SUBJECT TO CHANGE

All policies found in the Board Policy Manual are subject to change from time to time, as approved by the College Board of Trustees. The Dean of Students Office publishes revisions in Code of Student Conduct Policy and Procedures in the online College Catalog, the College of DuPage website, and the Board Policy and Procedures Manuals.

REPORTING CRIMINAL ACTS AND EMERGENCIES

BOT Policy No. 3.40
Adopted 3/19/09
Amended 01/21/2021

The Board of Trustees is committed to providing a safe and secure campus environment.

On the Glen Ellyn campus emergencies requiring immediate police assistance should be reported from the nearest phone by calling (630) 942-2000, the College Public Safety Police Department.

When off Glen Ellyn campus locations, where authorized instructional or co-curricular activities are being conducted, emergencies requiring immediate police assistance should be reported from the nearest phone by calling 911.

Reports of any suspicion of, or actual occurrence of, criminal activities that do not require immediate police emergency assistance should be reported to the College's Public Safety Police Department at (630) 942-2000.

Victims are urged to report the occurrence immediately and preserve any evidence which may be necessary to prove criminal conduct.

CAMPUS SECURITY ENHANCEMENT ACT POLICY

BOT Policy No. 3.43
Adopted 3/19/09
Amended 01/21/2021

The Board of Trustees will comply with the provisions of the Campus Safety Act, 110 ILCS 12 et seq. The College will require criminal background investigations

prior to the employment of individuals in security-sensitive positions.

Procedures to facilitate compliance with the Campus Safety Act will be promulgated consistent with this Policy.

CODE OF STUDENT CONDUCT

BOT Policy No. 5.15
Adopted 3/19/09
Amended 01/21/2021

The College will maintain a Code of Student Conduct to provide fair and reasonable rules and procedures to promote personal development and to ensure that students do not engage in conduct that interferes with the operations of the College. Students are responsible for their own conduct in complying with existing College policies regarding student behavior.

The College will maintain disciplinary procedures to address violations of the Code of Student Conduct.

The Code of Student Conduct procedures will be published in the College Catalog.

Refer to Board Policy 3.10 (Prohibition of Discrimination and Harassment); Board Policy 3.11 (Prohibition of Sexual Discrimination, Harassment and Misconduct).

PROHIBITION OF SEXUAL DISCRIMINATION, HARASSMENT AND MISCONDUCT

BOT Policy No. 3.11
Adopted 3/19/09
Amended 01/21/2021

I. Purpose

The College of DuPage is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity.

Sex discrimination includes sexual harassment, sexual misconduct and sexual violence. It is the policy of the College that no staff member, student or other members of the College community shall be subject to sexual discrimination, harassment or misconduct.

Individuals found to have violated this policy will be subject to disciplinary action up to and including termination and/or expulsion from the College as determined by such administrative or Board action as is required by law, Board policy and procedure, and/or collective bargaining agreement.

II. Jurisdiction

This policy applies to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

- A. On College property; or
- B. Off College property, if:
 1. The conduct was in connection with a College or College-recognized program or activity; or
 2. The conduct may have the effect of creating a hostile environment for a member of the College community.

III. Title IX Coordinator

The College has designated the Dean of Students as the Title IX Coordinator.

IV. Retaliation Prohibited

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperation in the investigation of such allegations, (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited.

V. Implementing Procedures

The College will maintain and publish procedures implementing this policy which set forth:

- Definitions of prohibited conduct;
- Responsibilities of and contact information for the College's Title IX Coordinator and Department of Human Resources;
- Options for assistance following an incident of sexual discrimination, harassment and/or misconduct;
- Procedures for reporting and confidentially disclosing sexual discrimination, harassment and/or misconduct;
- Complaint investigation and appeal procedures;
- Prevention and education programming provided to College students and employees; and
- Training and education provided to the Title IX Coordinator, Department of Human Resources, College Police, Responsible Employees, victim advocates, and anyone else involved in responding to, investigating or

adjudication sexual discrimination, harassment and misconduct incidents.

Refer to Board Policy 3.10 (Prohibition of Discrimination and Harassment), and Board Policy 5.15 (Code of Student Conduct).

CODE OF STUDENT CONDUCT

*Administrative Procedure No. 3.10
Adopted 10/01/09
Amended 4/07/14, 2/24/15, 01/21/21*

The Code of Student Conduct was established to ensure the safety and welfare of the entire College of DuPage community; to educate students as to their rights and responsibilities as members of the College community; and to facilitate students' understanding of the balance between individual and College rights.

College of DuPage recognizes the rights of its students guaranteed by the Constitutions of the United States and the State of Illinois, which include the rights within the institution to freedom of speech, inquiry, assembly, peaceful pursuit of an education, and reasonable use of College services and facilities. In addition to their inherent rights and privileges as members of the College community, students voluntarily assume the obligation to fulfill the responsibilities of all citizens and to bear personal responsibility for their actions. Students agree to adhere to the rules, regulations and policies set forth in this Code and to comply with the standards of classroom behavior as stated in their individual course syllabi.

All students at College of DuPage are expected to demonstrate qualities of morality, integrity, honesty, civility, tolerance and respect. These values are essential to the learning environment and should be exhibited in the conduct of the entire College community, both in and out of the classroom setting.

In the interest of maintaining civility on campus and guaranteeing the broadest range of freedom, the Code of Student Conduct reasonably limits some activities and reasonably prohibits certain behaviors which interfere with the classroom setting, the normal operation of the College, and the pursuit of the College's goals and core values of Integrity, Honesty, Respect, and Responsibility. Jurisdiction of the College Disciplinary action may be imposed for conduct which interferes with the normal operational and educational process of the College or with the safety and welfare of the College community, whether that conduct occurs on College premises, at the Regional Centers, at any off-campus instructional sites, either owned, leased or rented, or at off-campus College-sponsored or supervised events.

Whenever possible, sanctions for violations of the Code of Student Conduct will be educational in nature. However, threats of violence are considered a serious infringement upon the learning environment and must be acted upon accordingly. Code violations that affect the safety and welfare of the College community are deemed to be the most serious. Thus, the College reserves the right to remove any individual from College premises who is physically or verbally disrupting a class or disturbing the peace. Acts of violence, threats or dangerous behavior may result in suspension or expulsion from the College.

Students should be aware that the Code of Student Conduct process is different from criminal and civil court proceedings. However, student conduct which involves an alleged violation of criminal law will be referred to the College of DuPage Police Department and appropriate civil authorities. Civil or criminal charges may occur concurrently with Code of Student Conduct charges.

Definitions

1. The term College means College of DuPage.
2. The term student, for the purposes of this Board Policy, Administrative Procedure and Code includes all persons applying for admission or taking courses provided by the College, for credit or non-credit, full- or part-time whether in a classroom setting or online format.
3. The term faculty member includes all persons who are full- or part-time instructors, counselors or librarians.
4. The term College official includes any person employed by the College performing assigned administrative or professional staff responsibilities.
5. The term member of the College community includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation will be determined by the Assistant Provost of Student Affairs.
6. The term complainant means any person who submits a charge alleging that a student violated the Code of Student Conduct. When a student believes that he/she has been a victim of another student's misconduct, the student believing he/she has been a victim will have the same rights under this Code as those provided to the complainant, even if another member of the College community submitted the charge itself.

7. The term accused student means any student accused of violating the Code of Student Conduct.
8. The term College premises includes all land, buildings, facilities and other property in the possession of, owned, used, leased or rented, or controlled by the College (including adjacent streets and sidewalks).
9. The term Student Judicial Officer means the Dean of Students or designee, authorized to conduct student judicial hearings and issue sanctions upon a student who has been determined to have violated the Code of Student Conduct.
10. The term organization means any number of persons who have complied with the formal requirements for College recognition.
11. The term formal student judicial hearing means a meeting between the Student Judicial Officer and an accused student for the purpose of determining whether a violation of the Code of Student Conduct has occurred.
12. The Case Resolution Form (CRF) means the form completed by the Dean of Students and given to the accused student at the completion of the judicial hearing. The CRF delineates the sanction(s) imposed for violation of the Code of Student Conduct.
13. The term judicial body means the Dean of Students, the Judicial Review Board or any person(s) authorized by the Dean of Students or the Assistant Provost of Student Affairs to determine whether a student has violated the Code of Student Conduct.
14. The term Judicial Review Board refers to the appeal board composed of College faculty, administrators and a student who are appointed by the Assistant Provost of Student Affairs.
15. The term appeal hearing means a meeting with the Judicial Review Board requested by an accused student for the purpose of appealing the decision or sanctions imposed by the Dean of Students.
16. The term Behavioral Intervention Team refers to the multi-disciplinary assessment group formed to prevent escalation of concerning behaviors on College premises and, when necessary, implement interventions that are in the best interest of the individual and the College.
17. The term will is used in the imperative sense.
18. The term may is used in the permissive sense.
19. The term policy is defined as the written regulations of College of DuPage as found

in, but not limited to, the Code of Student Conduct, the online College catalog, the College of DuPage website, and the Board Policy and Procedures Manuals.

20. The Dean of Students is the person designated by the Assistant Provost of Student Affairs to be responsible for the administration of the Code of Student Conduct. The Dean of Students may designate other College officials to conduct student judicial hearings, if appropriate.

Student Rights and Responsibilities

All college regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their content to students or to student organizations. Regulations and policies can be found in, but not limited to, the Code of Student Conduct, the online College catalog, the College of DuPage website, and the Board Policy and Procedures Manuals.

Each student is responsible for reading and complying with the Code of Student Conduct. Students shall be held accountable for their own conduct.

The College recognizes each student's procedural right to due process, which includes providing written notice setting forth the alleged violation(s) of the Code of Student Conduct, a prompt and fair hearing, and an appeal process.

A student facing possible disciplinary action is entitled to the following procedural rights:

1. The right to be notified in writing of the specific charges against him/her, and his/her rights under this Code.
2. The right to know the nature of the evidence against him/her (unless the release of the evidence would endanger the safety or welfare of victim(s) or witness(es)).
3. The right to a prompt formal judicial hearing and to present information and witnesses relevant to his/her defense, except in cases where interim suspension is warranted for the safety and welfare of the College community.
4. The right to be provided a list of findings by the Dean of Students, including the sanctions imposed, if found in violation of the Code of Student Conduct.

5. The right to an appeal hearing by the Judicial Review Board (JRB) of the decision or sanctions imposed by the Dean of Students.

Code of Student Conduct Prohibited Behaviors

Behavior which violates the aforementioned standards of morality, integrity, honesty, civility, tolerance and respect, and for which discipline may be imposed, includes, but is not limited to, the following:

Acts of dishonesty, including, but not limited to:

1. Cheating, plagiarism, forgery, misrepresentation and all forms of academic dishonesty. For greater detail, refer to Board Policy and Procedure 20-41, Code of Academic Conduct.
2. Purposely furnishing false information to any College official, faculty member or office.
3. Knowingly instituting a false charge against another person.
4. Forgery, alteration or misuse of any College document, record, form or instrument of identification.
5. Permitting another to use his/her College identification card, impersonating another, or misrepresenting authorization to act on behalf of another.
6. Unauthorized or fraudulent use of the college name, seal, emblem, nickname or motto.
7. Theft, attempted theft, or mutilation of Library materials.
8. Possession of stolen items or the sale of stolen items from any source whatsoever.
9. Tampering with or engaging in voter fraud in the election of any College recognized student organization or the election of the Student Trustee.

Disruption or obstruction of any operation of the College including, but not limited to, teaching, learning, disciplinary proceedings, College activities, public service functions on- or off-campus, or other authorized non-College activities when the act occurs on College premises, at the Regional Centers, at any off-campus instructional sites, either owned, leased or rented, or at off-campus College-sponsored or supervised events.

Participation in a campus demonstration, or unauthorized assembly, that disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities on College premises; or intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on College premises.

Failure to comply with directions of College officials, faculty members, College staff and law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so by presenting a valid I.D.

Intentional damage, destruction, or attempt to damage, destroy or deface College property or the property of a member of the College community.

Unauthorized possession, duplication, or use of keys to any College premises, or unauthorized entry to, or use of, College premises.

Unauthorized use, alteration, or in any way tampering with fire equipment, safety devices or safety equipment. Any action that causes or attempts to cause a fire, explosion, including bomb threats, or any intentionally false reporting of a fire, or the failure to leave College buildings during a fire alarm.

Unauthorized occupancy of College buildings or facilities other than during hours of operation.

Use or possession of a firearm, weapon or explosives, including, but not limited to, a pistol, revolver, rifle, shotgun, ammunition, switchblade or other dangerous knife, fireworks, any incendiary device, bomb or any object containing noxious or dangerous chemicals on College premises, at the Regional Centers, at any off-campus instructional sites, either owned, leased or rented, or at off-campus College-sponsored or supervised events, unless such use or possession is authorized by the College of DuPage Police Department.

Theft, or attempted theft, of College property or the property of College personnel, other students, or any other person or the property of independent contractors maintained or stored on College premises.

Solicitation, distribution, selling or promotion of materials on College of DuPage owned or controlled property. Distribution or placement of advertising flyers and related literature onto parked vehicles on campus. Exceptions include recognized student organizations after registering with the appropriate College official.

Violation of published College Board Policies as stated in the College of DuPage Board Policy Manual, College of DuPage Administrative Procedures, departmental policies and procedures, and College of DuPage Police Department procedures.

Verbal abuse, threats, use of offensive language, intimidation, bullying (including cyber-bullying), stalking, hazing, hate speech, coercion, lewd or indecent conduct, or other conduct that creates a hostile environment which threatens or endangers the safety and welfare of any person on College premises.

Physical abuse, assault, battery, fighting, or other conduct resulting in bodily harm which threatens or endangers the safety and welfare of any person on College premises.

Harassment, including, but not limited to:

1. Any verbal or physical behavior, such as a disparaging comment, epithet, slur, insult, or other expressive behavior, that is directed at a particular person or a group of persons, and which creates an environment wherein the verbal or physical behavior is inherently likely to provoke a violent reaction, whether or not it actually does so.
2. Any act, display, or communication that would cause a reasonable person to fear for his/her personal safety. This includes, but is not limited to, physical coercion and/or restraint.
3. Any act, display, or communication that causes substantial injury and/or distress on the part of the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities.
4. Any attempt to repeatedly make contact with a person over his/her stated objections, when such contact serves no legitimate purpose.
5. Refer to Board Policy 3.10, Prohibition of Discrimination and Harassment, for greater detail.

Sexual discrimination, harassment and/or misconduct: See Board Policy 3.11, Prohibition of Sexual Discrimination, Harassment, and Misconduct for definitions of and greater detail regarding such prohibited conduct.

The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, sexual orientation, marital status, or disability. Refer to Board Policy 3.10, Prohibition of Discrimination and Harassment, for greater detail.

Use, possession, sale, attempted sale, barter, exchange, gift, or distribution of alcoholic beverages, except as expressly permitted by law and College regulations. Public intoxication while on College premises, at off-campus instructional sites, or at College-sponsored or supervised functions. Refer to Board Policies 3.24 and 3.25, Alcohol and Drug Free Campus, for greater detail.

Use, possession, sale, attempted sale, barter, exchange, gift, or distribution of narcotic or other controlled substances, or drug paraphernalia, except as expressly permitted by law and College regulations. Refer to Board Policy and Procedure 3.24, Drug and Alcohol Free College, for greater detail.

Use of tobacco and tobacco-related products (including electronic cigarettes) on all College of DuPage premises, in all indoor College facilities, and in all College vehicles. Refer to Board Policy and Procedure 3.23, Tobacco-Free Campus, for greater detail.

Gambling of any kind, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name.

Participating in, making claims of, or claiming responsibility for terrorist activity (such as threats of bombs, biological weapons, et. al.), whether in fact or as a hoax.

Leaving minor children unattended on the College campus, at off-campus instructional sites, or at College-sponsored or supervised events. Children may not accompany students to class.

Deliberate attempts to use gang representation, signing, and recruitment.

Theft or abuse of College computers, facilities, network gear, applications, software, support systems, or data.

1. Abuses include (but are not limited to) unauthorized entry, access, or use of College networks, systems, applications, or transfer of data from College systems. Interfering with College security measures intended to protect data, systems, applications, and networks is also considered abuse.
2. Attaining unauthorized access to internet resources, disrupting the intended use of the internet, destroying the integrity of computer-based information, and/or compromising the privacy of users are abuses.
3. For Comprehensive Electronic Communications which define the appropriate access, use, privacy, security, responsibilities, and limitations in the use of electronic communications at the College, including certain types of abuses that constitute criminal behavior, refer to "Electronic Communications" located on the IT Security Website or Board Policy 3.51.

Unauthorized use of cellular phones, pagers, and other telecommunication/electronic devices in all instructional areas which include: all labs and classrooms during instructional sessions, the Library, Testing Center and other areas designated by the College of DuPage administration.

Unauthorized use of any form of technology for the purpose of photographing, videotaping, or audiotaping individuals in secured areas such as lavatories or locker rooms. Taking photographs, videos, or audio recordings of any individual while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause distress or injury.

Behavior conducted online, such as harassment delivered by email. Blogs, web pages, social networking sites, and other modes of electronic communication are in the public sphere, are not private, and can subject a student to allegations of misconduct.

Abuse of the College of DuPage judicial system including, but not limited to:

1. Failure to obey the summons of a judicial body or College official
2. Falsification, distortion or misrepresentation of information before a judicial body
3. Disruption or interference with the orderly conduct of a judicial proceeding
4. Initiation of a judicial proceeding knowingly without cause
5. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during, the course of, the judicial proceeding
6. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding
7. Failure to comply with the sanction(s) imposed under the Code of Student Conduct
8. Influencing or attempting to influence another person to commit an abuse of the judicial system

Violation of federal, state, or local law on College premises, at off-campus instructional sites or at College-sponsored or supervised activities.

1. When a student is charged by federal, state, or local authorities with a violation of law, College of DuPage will not request or agree to special consideration for that individual because of his or her status as a student.

2. However, if the alleged offense is also the subject of a proceeding before a judicial body under the Code of Student Conduct, College of DuPage may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the College community.
3. College of DuPage will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.
4. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Standard of Behavior in Common Areas Outside of the Classroom

Students must follow the rules posted in all Common Areas outside of the classroom. Common Areas include, but are not limited to, the Library, Student Services Center and Student Life Lounge. These rules are designed to maintain a comfortable environment where all students feel welcome and interact in a respectful manner, conducive to study, research or socialization. Failure to comply with the posted rules or the directions of College of DuPage officials is a violation of the Code of Student Conduct.

Charges and Hearings

Any individual may file charges against any student for misconduct. Charges will be prepared in writing via the Code of Student Conduct Violation Incident Report and forwarded to the Dean of Students, who, as the Student Judicial Officer, is responsible for the administration of the College judicial system. Any charge should be submitted as soon as possible after the event takes place, preferably within 30 days. The Dean of Students will determine if the conduct is serious enough to warrant disciplinary action. Further investigation may be initiated to determine if the charges have merit. If the charges cannot be disposed of by mutual consent, a formal student judicial hearing will be held.

Notification to Student of a Formal Judicial Hearing

1. In preparation for the formal judicial hearing, the Dean of Students will review the student's file to determine if this is a first offense.
2. The Dean will place the student's registration on temporary Hold, so that the student can neither withdraw from current courses nor register for future courses until the current matter is settled.
3. The Dean will notify the student in writing that the complaint has been filed:

- a. The student will be required to attend a formal judicial hearing.
 - b. A copy of the Code of Student Conduct Violation Incident Report detailing the charges will be included with the hearing notice.
 - c. A copy of the Code of Student Conduct Procedures will be included with the hearing notice.
4. If the student fails to attend the formal judicial hearing or if the student does not respond to the hearing notice, the student's registration record will remain on hold until the matter has been formally resolved.

Formal Student Judicial Hearing

1. During the hearing, the Dean of Students will review both the complaint and the Code of Student Conduct Procedures with the student to ensure the student understands them clearly and is aware of the possible consequences.
2. The student will have an opportunity to present evidence and/or makes statements on his/her behalf. However, admission of any other person to the student judicial hearing will be at the discretion of the Dean of Students.
3. In hearings involving more than one accused student, the Dean of Students may permit the hearings concerning each student to be conducted together.
4. Upon the agreement of the complainant and the student, the Dean of Students may act as conciliator/mediator to resolve the complaint. After reviewing the evidence, the Dean of Students may decide to drop the complaint. If so, the Dean of Students will inform the person who filed the complaint and explain the decision.
5. At the conclusion of the hearing, the Dean of Students will complete the Case Resolution Form, assigning the appropriate sanctions(s).
6. In the event the student has been found at fault in an earlier incident involving a Code of Student Conduct violation, the Dean will determine the appropriate sanction(s).
7. If the student fails to appear for a scheduled student judicial hearing, the hearing may be held without the student's presence, and sanctions may be imposed. The student will be advised of the sanctions in writing via the Case Resolution Form.
8. Unless the student has been removed from the College pending the processing of the disciplinary complaint, the student may remain in attendance at College of DuPage.

9. If coursework has been missed as a direct result of the action taken against the student, appropriate action will be taken to assist the student to complete the course(s).
10. The Hold will be removed from the student's record, unless additional action on the student's part is required, such as Community Service or Restitution. If additional action is required, the Hold will be removed at its completion
11. If the student is charged with harassment, the victim will be notified of the outcome of the hearing.

Sanctions

The following sanctions may be imposed upon any student found to be in violation of the Code of Student Conduct. More than one of the sanctions listed may be imposed for any single violation.

A student may be required to participate in counseling, educational seminars, or to seek medical attention in lieu of, or in addition to, the imposition of sanctions.

Disciplinary Warning: A notice in writing stating the student has violated the Code of Student Conduct.

Disciplinary Probation: A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is again found to be in violation of the Code of Student Conduct during the probationary period.

Disciplinary Loss of Privileges: Denial of access to privileges commonly available to applicants, students and alumni of College of DuPage; these may include, but are not limited to, access to particular student employee positions on campus, access to the Library, access to computer facilities, access to career and placement services, access to scholarships, access to academic honors, participation in clubs, organizations, athletics or campus activities. This loss of privileges may stand alone, it may accompany suspension, and it normally accompanies extended suspension.

Withdrawal from Class: Administrative withdrawal from a class or classes in which a student is enrolled for the current and/or subsequent semester. Administrative withdrawals do not provide for the refund of tuition and fees.

Limited Access: Administrative restriction to selected areas/locations of College facilities.

Restitution: Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

Other Penalties: The student may be denied a transcript or degree until all of the obligations specified by the judicial body are met, or until other penalties are imposed as may be determined to fit the misconduct.

Disciplinary Suspension: Denial of permission to register for academic work at College of DuPage for a designated period of time, usually not more than one year. Conditions for readmission will be specified by the Dean of Students; students under this sanction must petition the Dean of Students in writing for readmission to College of DuPage.

Extended Disciplinary Suspension: Dismissal from College of DuPage for a designated period: students under this sanction must petition the Dean of Students in writing for readmission to College of DuPage.

Summary Disciplinary Suspension: If, in the opinion of the Dean of Students and/or the Behavioral Intervention Team (BIT), a student's conduct poses an immediate threat to him/herself, members of the College community or school property, or poses an on-going threat of disruption to the educational process, the student may be summarily suspended from the College without holding the student judicial hearing. In such an event, written notice sent by certified mail, return receipt requested, must be sent to the student on the date of the summary suspension. The notice will state the reason for the student's removal from the College and will request the student contact or meet with the Dean of Students within three (3) business days after the notice is received. The notice will also state that failure to respond to the letter within three (3) business days of receipt will constitute waiver of the right to the conference. If the student fails to respond to the notice or fails to attend the conference, it will be considered a waiver of the conference. A student who presents such a threat to the educational process may also be suspended by the Dean of Students after an informal conference, pending the review of the complaint by the Behavioral Intervention Team.

Expulsion: Permanent termination of student status from College of DuPage, with consequent loss of tuition and fees.

Appeals

A student who wishes to appeal the decision reached by the Dean of Students at the conclusion of a Judicial Hearing must appeal to the Judicial Review Board (JRB) within ten (10) business days of the date recorded on the Case Resolution Form received from the Dean of Students. Such appeals will be submitted in writing to the Assistant Provost of Student Affairs.

The appeal must be addressed to the Assistant Provost of Student Affairs; it must be typewritten; and must state the grounds for appeal. If the student wishes to appear

in person before the Judicial Review Board, this must be indicated in the appeal letter. The Assistant Provost of Student Affairs will arrange a meeting convenient to all parties. In the event of an appeal, the decision(s) of the Judicial Review Board will be final in all cases, other than suspension or expulsion (See Hearing Procedures for the Judicial Review Board below). In the event the student does not appeal within the required ten (10) business day period, the decision of the Dean of Students will be final.

Student Records

A student placed on Disciplinary Suspension, Extended Disciplinary Suspension or Summary Suspension from the College will have a statement attached to the transcript indicating the student has been found in violation of the Code of Student Conduct. This statement will remain in the student's file for up to seven years as determined by the Dean of Students. The student must petition the Dean of Students in writing to be readmitted.

A student who has been expelled from the College will not be readmitted.

Community Service: A project to help make reparation to the community and demonstrate that learning has occurred.

Other than College Suspension and Expulsion, disciplinary sanctions will not be made part of the student's permanent academic record; however, a record of the judicial proceedings will become part of the student's confidential record maintained by the Dean of Students office for seven years.

Maintenance of Disciplinary Records

Except as specified above, disciplinary matters are kept confidential to the extent required by law. Disciplinary records will become part of the student's confidential record maintained by the Dean of Students Office and will be maintained for a period of seven years.

Judicial Review Board (JRB)

Establishment of the Standing JRB

A standing JRB will hear cases and make recommendations on appropriate disciplinary cases referred to it by the Assistant Provost of Student Affairs or appealed to it by students who are the subject of disciplinary actions involving disciplinary suspension and expulsion. The JRB will be established each fall. It will be composed of the following persons:

1. Two (2) members of the administrative staff appointed by the Assistant Provost of Student Affairs.
2. Two (2) members of the faculty appointed by the Assistant Provost of Student Affairs.
3. One (1) member of the student body appointed by the Assistant Provost of Student Affairs.

None of the above-named persons may sit in any case in which they have a direct or personal interest. Decisions in this regard will be made by the JRB as a whole. The Assistant Provost of Student Affairs may appoint interim members as required.

Hearing Procedures for the Judicial Review Board

1. The hearing will be closed to the public.
2. The student shall be entitled to appear in person, present his/her defense to the JRB, and may call witnesses in his/her behalf.
3. If the student is unable to attend or for some reason is unable to participate fully in the hearing, a designated representative may speak for the student.
4. The student may be accompanied by an advisor. An advisor is defined as a family member, peer, staff/faculty member of the College; it does not include legal counsel or an attorney at law.
5. The hearing will begin with a presentation by the College, followed by a presentation by the student.
6. The College and student may present information in oral and written form, by witnesses and/or through documents. The parties will be given an opportunity to question witnesses.
7. The JRB reserves the right to hear the testimony of witnesses separately, so that the witnesses will not hear each other's testimonies.
8. Pertinent and relevant information will be reviewed by the JRB without regard for the legal rules of evidence.
9. The College and the student may make closing statements at the conclusion of the hearing on both the issue of misconduct and the issue of the recommended discipline.
10. An audio recording of the proceedings will be created and will be made available to either party upon their request.
11. The JRB will render its written decision within ten (10) business days after the hearing. The decision will be either that the student has violated the Code of Student Conduct or has not. If the student is found to be in violation of the Code of Student Conduct, the JRB will then determine or recommend a disciplinary action.

12. If the student is found not to be in violation of the Code of Student Conduct, and if coursework has been missed as a direct result of the action taken against the student, appropriate action will be taken to assist the student in completing the course(s).
13. In all cases other than suspension or expulsion, the decision of the JRB is final.
14. If the decision of the JRB is to suspend the student, that decision will be transmitted to the Assistant Provost of Student Affairs. The student will then have ten (10) business days after the decision to appeal to the Assistant Provost of Student Affairs. The appeal will consist of the student's written statement of disagreement with the decision and argument for reversal, relevant documentation and the recording or transcript of the JRB hearing. The Assistant Provost of Student Affairs will review relevant information before making a decision. The Assistant Provost of Student Affairs will render a decision to uphold the suspension or to take other appropriate action within fifteen (15) business days after receiving the student's written appeal. If the Assistant Provost of Student Affairs decides to impose a less severe sanction than suspension, the decision of the Assistant Provost of Student Affairs is final. The Assistant Provost of Student Affairs will not have the authority to increase the severity of the recommended sanction.
15. If the decision of the JRB is to expel the student, that decision will be transmitted to the Assistant Provost of Student Affairs. The student will then have ten (10) business days after the decision to appeal to the Assistant Provost of Student Affairs. The appeal will consist of the student's written statement of the disagreement with the decision and argument for reversal, relevant documentation and the recording or the transcript of the JRB hearing. The Assistant Provost of Student Affairs will review the relevant information before making a decision. The Assistant Provost of Student Affairs will render a decision to uphold the expulsion or to take other appropriate action within fifteen (15) business days after receiving the student's written appeal. If the Assistant Provost of Student Affairs decides to impose a sanction less severe than expulsion, the decision of the Assistant Provost of Student Affairs is final.

Interpretation and Revision

1. This Code is designed to function in conjunction with other Board Policies and Procedures. Refer to the following Policies and Procedures for greater detail: Board Policy and Procedure 3.51, Electronic Communications; Board Policy and Procedure 3.23, Tobacco-Free Campus; Board Policy 3.10, Prohibition of Discrimination and Harassment; Board Policy and Procedure 3.11, Prohibition of Sexual Discrimination, Harassment and Misconduct; Board Policy and Procedure 3.24, Alcohol Free Campus; 3.25 Drug Free Campus; and Board Policy and Procedure 5.16, Code of Academic Conduct.
2. Questions of interpretation regarding the Code of Student Conduct shall be referred to the Dean of Students.
3. The Code of Student Conduct shall be reviewed periodically under the direction of the Dean of Students.
4. If any provision in the Code of Student Conduct is, or shall be at any time, contrary to or unauthorized by federal or state law, then such provisions(s) shall not be applicable, performed, or enforced except to the extent permitted by law.

PROHIBITION OF DISCRIMINATION AND HARASSMENT

*Policy No. 3.11
Adopted 10/01/09
Amended 01/21/2021*

I. Purpose

College of DuPage (College) is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity. The purpose of this procedure is to implement the College's Sexual Discrimination, Harassment and Misconduct Policies (Board Policy 3.11), ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis

of sex or sexual orientation, including gender-related identity; and the Clery Act, which requires timely warning to the community of certain immediate threats.

The College has an affirmative duty to take immediate and appropriate action once it knows of any act of sexual discrimination, harassment and/or misconduct in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual discrimination, harassment and/or misconduct in accordance with the procedures set forth below.

II. Jurisdiction

The College's Sexual Discrimination, Harassment and Misconduct Procedures apply to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

A. On College property; or

B. Off College property if:

1. The conduct was in connection with a College or College-recognized program or activity; or
2. The conduct may have the effect of creating a hostile environment for a member of the College community.

III. Scope

A. Students

Board Policy 3.11 governs sexual discrimination, harassment and/or misconduct involving students, such as:

1. A student victim and/or complainant and a student respondent;
2. A student victim and/or complainant and an employee or third-party respondent;
3. An employee victim and/or complainant and a student respondent; and
4. A third-party victim and/or complainant and a student respondent.

B. Non-Students

The following Sections of Board Procedure 3.11 govern sexual discrimination, harassment and/or misconduct which solely involve employees and/or third parties:

- Section I, Purpose
- Section II, Jurisdiction
- Section III(B), Scope
- Section IV, Definitions

- Section V(B), Administration
- Section VI, Options for Assistance Following an Incident of Sexual Discrimination, Harassment and/or Misconduct
- Section IX, Interim Measures
- Section X, Miscellaneous
- Section XIV, Training
- Section XV, Procedures Governing Complaints Solely Involving Employees and/or Third Parties

IV. Definitions

A. Consent: Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, or a lack of active resistance. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent may be withdrawn at any time. A person may be incapable of giving consent due to the person's age, use of drugs or alcohol, the person is asleep or unconscious, or because an intellectual or other disability prevents the person from having the capacity to give consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Consent is an affirmative response, not lack of one, (i.e., the absence of "no" should never be interpreted as "yes").

B. Dating Violence: The term dating violence means violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

C. Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

D. **Hostile Environment Caused by Sexual Harassment:**

a sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.

E. **Incapacitation:** When a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or because an intellectual or other disability which prevents the person from having the capacity to give consent.

F. **Intimidation:** To make timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College's Sexual Discrimination, Harassment and Misconduct Policy and Procedures.

G. **Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

H. **Result:** Any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters within the institution. The result includes any sanctions imposed by the institution.

I. **Retaliation:** Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College's Sexual Discrimination, Harassment and Misconduct Policy and Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the allegations of sexual discrimination, harassment or misconduct.

J. **Sexual Assault:** Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

K. **Sex Discrimination:** Discrimination on the basis of sex, sexual orientation or gender-related identity. Sex discrimination includes sexual harassment, sexual misconduct and sexual violence.

L. **Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or a sexually transmitted disease to another, or exposing one's genitals to another in non-consensual circumstances.

M. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual acts or favors, and other verbal, non-verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive employment or educational environment; or
4. Such conduct denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities.

Examples of conduct of a sexual nature include:

- **Verbal:** Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats.
- **Non-Verbal:** Sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.

• **Physical:** Touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.

N. **Sexual Misconduct:** Includes sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking.

O. **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

P. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety or others; or 2) suffer substantial emotional distress.

Q. **Threat:** Any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.

V. **Administration**

A. **Title IX Coordinator**

To ensure compliance with Title IX, the College has designated the Dean of Students as the Title IX Coordinator. Any individual who believes he/she has been discriminated against or harassed because of their gender, who has been subjected to sexual harassment, sexual assault, sexual misconduct, or relationship violence in violation of College policy, or who has witnessed such activity against another may file a complaint or obtain information and assistance from the College's Title IX Coordinator.

Assia Baker
Title IX Coordinator
College of DuPage
425 Fawell Blvd.
Glen Ellyn, IL 60137

Telephone: (630) 942-2491
cod.edu/student_life-dean-of-students/
title-ix.asp

Responsibilities of the Title IX coordinator include:

- Overseeing the College's response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

A Title IX complaint includes complaints alleging sexual discrimination, sexual harassment and/or

or sexual misconduct (as those terms are defined herein) which involve a College student as the victim and/or complainant or as the respondent.

- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX issues.

Conducting Title IX investigations, including investigating facts relative to a complaint and recommending appropriate sanctions against the perpetrator and remedies for the complaint.

- With respect to Title IX complaints that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will partner with the Department of Human Resources which will manage the investigation into the allegations and which will recommend appropriate sanctions against the employee.
- Determining appropriate interim measures for a victim and/or complainant upon learning of a report or complaint of sexual violence.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Promoting an educational and employment environment which is free of sexual discrimination and gender bias.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to the United States Department of Education's Office for Civil Rights:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: (312) 730-1560
Email: OCR.Chicago@ed.gov

B. **Department of Human Resources**

The Department of Human Resources will partner with the Title IX Coordinator with respect to any Title IX complaints which involve a College employee as the victim and/or complainant or as the respondent.

The Department of Human Resources will oversee the College's response to all complaints of sexual discrimination, harassment and/or misconduct which solely involve employees and/or third parties.

VI. Options for Assistance Following an Incident of Sexual Discrimination, Harassment, or Misconduct

A. Immediate Assistance

1. On- and Off-Campus Counselors and Advocates. The following on- and off-campus counselors and advocates can provide an immediate confidential response in a crisis situation:

Confidential Advisors

YWCA Rape Crisis Hotline
Phone: (630) 971-3927
www.ywcachicago.org

For Employees:
Employee Assistance Program
Northwestern Medicine
Phone: (888) 933-1327

For Students:
Student Assistance Program
Northwestern Medicine
Phone: (855) 933-8727

COD Counseling and Advising Center
Mental Health Counselors
Student Services Center (SSC) 3200
Phone: (630) 942-2259

2. Emergency Response. Anyone who experiences or observes an emergency situation should immediately call 911 and/or the College Police at (630) 942-2000.
3. On- and Off-Campus Health Care Options. Victims may seek treatment for injuries, preventative treatment for sexually transmitted disease, and other health services by contacting the following for health care options:

COD Police
Phone: (630) 942-2000

Central DuPage Hospital*
Emergency Department
Phone: (630) 933-1600

*Indicates health care options which provide rape kits and/or Sexual Assault Nurse Examiners.

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

B. Ongoing Assistance for Students

1. On- and Off-Campus Counseling, Advocacy and Support.

See Section X(A), below.

2. Academic Accommodations and Interim Measures.

See Section X(C), below.

C. Ongoing Assistance for Employees

Employee Assistance Program
Northwestern Medicine
Phone: (888) 933-1327

VII. Student Reporting and Confidentially Disclosing Sexual Discrimination, Harassment and/or Misconduct

The College encourages student victims of sexual discrimination, harassment and/or misconduct, including sexual violence, to talk to somebody about what happened so that victims can get the support they need and so that the College can respond appropriately. Different employees on campus have different abilities to maintain a student victim's confidentiality:

- Some employees are required to maintain near complete confidentiality.
- Some employees may talk to a student victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information.
- Some employees are required to report all the details of an incident (including identities of the student victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees, called "Responsible Employees", constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

The various reporting and confidential disclosure options available are set forth in further detail below.

A. Student Privileged and Confidential Communications

Mental-Health Counselors. The only college individuals that are exempt from reporting sexual abuse of an adult without the victim's permission are State of Illinois licensed counselors who provide mental-health counseling to students (including those counselors who act in that role under the supervision of a licensed counselor). The College requires all campus employees to report the suspected abuse of children (those under the age of 18).

Contact information for such mental-health counselors is as follows:

Mental Health Counselors
COD Counseling and Advising Center
Student Services Center (SSC) 3200
Phone: (630) 942-2259

All communications between a Confidential Advisor and a student pertaining to an incident of sexual violence shall remain confidential, unless the student consents to the disclosure of the communication in writing. The Confidential Advisor may disclose confidential communications between the Confidential Advisor and the student if failure to disclose would result in clear, imminent risk of serious physical injury to or death of the student or another person.

Non-Mental-Health Counselors and Advocates.

Individuals who work or volunteer in the on-campus Student Affairs offices, including front desk staff and students, can generally talk to a student victim without revealing any personally identifying information about an incident to the College. A student victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the student victim's identity or that the student victim has disclosed the incident.

While maintaining a student victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the student victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual discrimination, harassment and misconduct on and off campus so the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Contact information for such non-mental-health counselors and advocates is as follows:
Student Success Counselors
COD Counseling and Advising Center
Student Services Center (SSC) 3200
Phone: (630) 942-2259

A student victim who speaks to a mental-health or non-mental-health counselor or advocate must understand that, if the student victim wants to maintain confidentiality, the College's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Even so, these counselors and advocates will still assist the student victim in receiving other necessary protection and support, such as student victim

advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A student victim who at first requests confidentiality may later decide to file a complaint with the College or report the incident to law enforcement, and thus will have the incident fully investigated. These counselors and advocates will provide the student victim with assistance if the student victim wishes to do so.

Note: While these counselors and advocates may maintain a student victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. Any College employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, College Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

B. Student Reporting to "Responsible Employees"

A College employee who has the authority to redress sexual discrimination, harassment or misconduct, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a Responsible Employee. When a student victim tells a Responsible Employee about an incident of sexual discrimination, harassment or misconduct, the student victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the student victim and that the College will need to determine what happened – including the names of the student victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report.

To the extent possible, the College provides immunity for students who in good faith report an alleged violation of the comprehensive policy to a “responsible employee” so that the reporting student will not receive a disciplinary sanction for a student conduct violation (e.g., underage drinking) revealed in the course of reporting, unless the violation was “egregious” (e.g., an action that places the health or safety of another person at risk).

The following categories of employees are the College’s Responsible Employees:

- College Administrators
- Title IX Coordinator
- Supervisors and Managerial Staff
- Faculty
- Campus Police
- Coaches

Before a student victim reveals any information to a Responsible Employee, the employee should ensure that the student victim understands the employee’s reporting obligations – and, if the student victim wants to maintain confidentiality, direct the student victim to the confidential resources listed above.

If the student victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the student victim’s request for confidentiality.

Silent Witness Program

We understand the difficulty people may experience in reporting crimes or incidents of concern to us face-to-face. We offer the Silent Witness Program to anyone who has witnessed, or knows about, a crime committed on campus.

You are welcome to send an email to: mullin@cod.edu with information you feel may be useful in keeping our campus safe and secure. It is important that you provide as much detail as to who, what, when and where, as possible. Your identity will be protected to the fullest extent possible.

C. Electronic and/or Anonymous Reporting

The College provides an online system for electronic reporting. The reported may choose to provide his/her identity or may choose to report anonymously. Please note that anonymous reporting will significantly limit

the College’s ability to respond. The electronic and/or anonymous reporting form can be found on the College of DuPage website at:

https://cm.maxient.com/reportingform.php?CollegeofDuPage&layout_id=6

D. Student Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond

If a student victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students and employees, including the student victim.

If the College honors the request for confidentiality, a student victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Although rare, there are times when the College may not be able to honor a student victim’s request in order to provide a safe, non-discriminatory environment for all students and employees.

The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator
- Vice-President of Human Resources
- COD Chief of Police

When weighing a student victim’s request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:
 - o Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
 - o Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
 - o Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
 - o Whether the sexual discrimination was committed by multiple perpetrators;

- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- Whether the student victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the student victim’s request for confidentiality.

If the College determines that it cannot maintain a student victim’s confidentiality, the College will inform the student victim at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the College’s response.

If the College determines that it can respect a student victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the student victim.

If a victim’s request for confidentiality limits the College’s ability to formally investigate a particular allegation, the College may take steps to limit the effects of the alleged sexual discrimination, harassment and/or misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the College’s policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

VIII. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct of a Student

In addition to the reporting requirements for Responsible Employees (see Section VII(B), above), all College employees who have information regarding sexual discrimination, harassment and/or misconduct of a student are encouraged to report it to the Title IX Coordinator or any Responsible Employee.

If you are a third party or concerned person who is not a current student, faculty, or staff member but want to report sexual misconduct which involved a member of the College of DuPage community, contact the Title IX Coordinator at:

Assia Baker
630-942-2491
Email: titleIX@cod.edu

IX. Interim Measures

The College will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include the College obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged perpetrator(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

Because the College is under a continuing obligation to address the issue of sexual discrimination, harassment and misconduct campus-wide, reports of such incidents (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

X. Miscellaneous

1. Take Back the Night and Other Public Awareness Events. Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to the College of sexual discrimination, harassment or misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for

campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

2. **Anonymous Reporting.** Although the College encourages victims to talk to someone, the College provides for an online system for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. Anonymous reports can be filed through the COD Police website: www.cod.edu/about/police_department/.
3. **Off-Campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. Contact information for such off-campus resources is as follows:

Confidential Advisors

YWCA Rape Crisis Hotline
Phone: (630) 971-3927
www.ywcachicago.org

For Employees:
Employee Assistance Program
Northwestern Medicine
Phone: (888) 933-1327

For Students:
Student Assistance Program
Northwestern Medicine
Phone: (855) 933-8727

Note: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

4. **Clery Act Reporting Obligations.** Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act," 20 U.S.C. 1092(f)), the College maintains a public crime log and publishes an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault. The Clery Act also requires the College to issue timely warnings to the campus community about crimes that have

already occurred but may continue to pose a serious or ongoing threat to students and employees.XI.

Title IX Complaint Investigation Procedures

A. Formal Investigation Process

1. **Initiation of Investigation by Title IX Coordinator:** Upon receipt of a Title IX complaint of sexual discrimination, harassment and/or misconduct, including sexual violence, the Title IX Coordinator will initiate a prompt, fair and thorough investigation. The investigation will be conducted by the Title IX Coordinator or his/her designee, and the College will conclude the investigation within 60 calendar days or less. Where the allegations are complex or other factors delay the investigative process, an extension may be granted.

With respect to Title IX complaints that relate to a College employee as the victim and/or complainant or as the respondent, the Title IX Coordinator will partner with the Department of Human Resources which will manage the investigation into the allegations made against the College employee and which will recommend appropriate sanctions against the College employee Respondent.

2. **Interim Measures Provided:** During the investigation, the Title IX Coordinator will ensure the victim and/or complainant receive Interim Measures as set forth in Section IX, above, and will advise the victim and/or complainant of the right to file a complaint with College Police or law enforcement agencies.
3. **Notice to Respondent:**
 - a. Within 10 business days of receipt of a complaint, the respondent will be given written notice of the charges against him/her.
 - b. The respondent will be advised of the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).
4. **Due Process Rights of Victim and/or Complainant and Respondent**
 - a. The victim and/or complainant and student respondent will each be afforded the right to present information and witnesses relevant to his or her case.
 - b. When the victim and/or complainant or student respondent is requested to appear at an investigatory meeting or proceeding related to a complaint, he or she may be accompanied by an advisor. An advisor is defined as a family member,

peer, staff/faculty member of the College, or a union representative; it does not include legal counsel or an attorney at law.

- c. If the respondent is a College employee, then any employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.
5. **Evidence Considered:** Investigators will interview and receive evidence from the victim, complainant, respondent and any witnesses identified during the course of the investigation. The victim's prior sexual history with anyone other than the respondent will not be considered during the investigation or any proceeding related to a complaint. The mere fact of a current or previous consensual dating or sexual relationship between the victim and respondent does not itself imply consent or preclude a finding of sexual violence.
6. **Preservation of Evidence:** Any physical evidence gathered by the investigator will be preserved by the COD Police.
7. **Concurrent Criminal Investigation:** The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the College investigation be temporarily suspended. In such cases, the College will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the College until the criminal investigation is closed.
8. **Report of Investigation:** At the conclusion of the investigation, the investigator will prepare a thorough report outlining the: complaint, investigation conducted and all relevant evidence obtained; investigator's conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for sanctions or other remedial action as appropriate. The investigator will submit his/her report to the Title IX Coordinator, Department of Human Resources and/or both, as appropriate.

B. Determination

1. **Determination Based Upon Preponderance of the Evidence:** For student respondent cases, the Title IX Coordinator shall review the investigator's report and all evidence gathered to determine whether the student respondent engaged in sexual discrimination, harassment and/or misconduct in

violation of College policy. The determination of violations shall be made based on the preponderance of evidence, meaning whether it is more likely than not that this policy was violated.

For employee respondent cases, the Department of Human Resources and Title IX Coordinator will determine whether the employee respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy.

2. **Notice to Respondent:** For student respondents, within 7 business days after receipt of the investigator's report, the Title IX Coordinator will notify the student respondent via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the student respondent has violated the College's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the student respondent of:
 - a. Disciplinary sanctions; and
 - b. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section VIII, below.

For employee respondents, the Department of Human Resources will follow its obligation under any applicable College Policies and collective bargaining agreements in providing notice.

3. **Notice to Victim and/or Complainant:** Concurrently with the notice provided to respondent, the Title IX Coordinator will notify the victim and/or complainant within 7 business days after receipt of the investigator's report, via certified mail, return receipt requested, of his/her determination. If the Title IX Coordinator determines that the respondent has violated the College's prohibition of sexual discrimination, harassment and/or misconduct, this notification will also advise the victim and/or complainant of:
 - a. Any individual remedies offered or provided to the victim and/or complainant;
 - b. Disciplinary sanctions imposed on the respondent that directly relate to the victim and/or complainant;
 - c. In sexual violence cases only, any disciplinary sanctions imposed on the respondent;
 - d. The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section XII, below; and

- e. If the College determines that a hostile environment exists, it will inform the victim and/or complainant of steps it has taken to eliminate the hostile environment and to prevent recurrence.

C. Sanctions, Protective Actions, and Remedies

1. Sanctions. Student respondents who have violated the College's prohibition of sexual discrimination, harassment and/or misconduct are subject to any sanctions set forth in the College's Code of Student Conduct Procedures 20-35, up to and including expulsion.

College employee respondents who have violated the College's prohibition of sexual discrimination, harassment and/or misconduct will be subject to disciplinary action up to and including termination, consistent with any applicable employee guidebooks and/or collective bargaining agreement obligations.

2. Protective Actions. The College may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures. College Police will enforce court ordered no-contact, restraining and/or protective orders to the fullest extent of the law.

3. Remedies. The College will administer remedies for the victim and/or complainant depending upon the specific nature of the complaint. In addition, the College may administer remedies for the College community as a whole.

Remedies for the victim and/or complainant may include, but are not limited to:

- Assisting the victim and/or complainant to change his/her academic and/or work environment if requested and if reasonably available;
- Providing an escort to ensure that the victim and/or complainant can move safely between classes and activities;
- Ensuring that the victim and/or complainant and the respondent do not attend the same classes;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for the victim and/or complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the victim and/or complainant's academic record; and
- Reviewing disciplinary actions taken against the victim and/or complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the victim and/or complainant being disciplined.

Remedies for the College community as a whole may include, but are not limited to:

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students and employees affected by sexual discrimination, harassment, and/or misconduct;
- Designating an individual from the College's counseling center to be available to assist victims of sexual discrimination, harassment, and/or misconduct whenever needed;
- Developing materials on sexual discrimination, harassment and misconduct for campus-wide distribution to students, employees, and/or third-parties;
- Creating a committee of students and College officials to identify strategies for preventing and addressing sexual discrimination, harassment and misconduct; and;
- Conducting periodic climate surveys to identify how students and employees perceive and experience sexual discrimination, harassment and misconduct at the College.

XII. Title IX Appeal Procedures for Victims and/or Complainants and Student Respondents

A. Appeal Request

A victim and/or complainant or a student respondent who wishes to appeal the decision reached by the Title IX Coordinator at the conclusion of a formal investigation must submit a written request for appeal to the Judicial Review Board (JRB). This request must be submitted to the Assistant Provost of Student Affairs within 10 business days after receipt of the Title IX Coordinator's letter of determination.

The appeal request must be typewritten, must indicate if the requestor wishes to appear in person before the JRB, and must state the grounds for appeal. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. The finding of facts contained in the decision included inaccurate information.
3. Specific evidence considered during the investigation is objectionable.
4. Evidence not offered during the investigation is now available. In such cases, the new evidence must be described.
5. The sanction imposed is lenient, excessive or otherwise inappropriate.

Within 10 business days after receipt of the appeal request, the Assistant Provost of Student Affairs will decide whether to grant the appeal based on whether the appeal meets one of the above enumerated grounds for appeal and shall inform the appellant by certified mail, return receipt request. If the appeal is granted, the Assistant Provost of Student Affairs will refer the matter to the JRB, and the Hearing Procedures for the JRB set forth below will be followed. In the event of an appeal, the decision(s) of the JRB will be final in all cases, other than for cases resulting in a recommendation for suspension or expulsion.

In the event a victim and/or complainant or a student respondent does not appeal within the required 10 business day period, the decision of the Title IX Coordinator will be final.

If the respondent is a College employee, then any employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

B. Establishment of the Standing JRB

A standing JRB will hear cases and make recommendations on appropriate disciplinary cases referred to it by the Assistant Provost of Student Affairs or appealed to it by students who are the subject of disciplinary actions involving disciplinary suspension and expulsion. The JRB will be established each fall. It will be composed of the following persons:

1. Two members of the administrative staff appointed by the Assistant Provost of Student Affairs.
2. Two members of the faculty appointed by the Assistant Provost of Student Affairs.
3. One member of the student body appointed by the Assistant Provost of Student Affairs, excluding cases related to Title IX complaints.

None of the above-named persons may sit in any case in which they have a direct personal interest. Decisions in this regard will be made by the JRB as a whole. The Assistant Provost of Student Affairs may appoint interim members as required.

C. Hearing Procedures for the JRB

1. The hearing will be closed to the public.
2. The victim and/or complainant and respondent shall each be entitled to appear in person with an advisor (as defined in Section XI(A)(4)(b), above), present his/her case to the JRB, and call witnesses in his/her behalf.

When requested by the victim, the JRB shall make arrangements so that the victim and respondent do not have to be in the same room at the same time (such as by arranging for participation via videophone, closed circuit television, video conferencing, or other means).

3. The hearing will begin with a presentation by the Title IX Coordinator of his/her determination, followed by a presentation by the appellant. The non-appellee may present his/her case as well.
4. The Title IX Coordinator, appellant and appellee may present information in oral and written form, by witnesses and/or through documents. The parties will be given an opportunity to question witnesses, except that the respondent may under no circumstances personally question the victim.
5. The JRB reserves the right to hear the testimony of witnesses separately, so that the witnesses will not hear each other's testimonies.
6. Pertinent and relevant information will be reviewed by the JRB without regard for the legal rules of evidence.
7. The Title IX Coordinator, appellant and appellee may make closing statements at the conclusion of the hearing on both the issue of misconduct and the issue of the recommended discipline.
8. An audio recording of the proceedings will be created and will be made available to either party upon request.
9. The JRB will render its written decision within 10 business days after the hearing. The decision will be to affirm, reverse or modify the Title IX Coordinator's determination. If the JRB finds the respondent engaged in sexual discrimination, harassment and/or misconduct in violation of College policy, the JRB will then determine or recommend a disciplinary action.
10. If a student respondent is found not to have engaged in sexual discrimination, harassment and/or misconduct in violation of College policy, and if coursework has been missed as a direct result of the action taken against the student respondent, appropriate action will be taken to assist the student respondent in completing the course(s).
11. In all cases other than suspension or expulsion, the decision of the JRB is final.
12. If the decision of the JRB is to suspend the student respondent, that decision will be transmitted to the Assistant Provost of Student Affairs. The student respondent will then have two business weeks after

the decision to appeal to the Assistant Provost of Student Affairs. The appeal will consist of the student respondent's written statement of disagreement with the decision and argument for reversal, relevant documentation and the recording or transcript of the JRB hearing. The Assistant Provost of Student Affairs will review relevant information before making a decision. The Assistant Provost of Student Affairs will render a decision to uphold the suspension or to take other appropriate action within 15 business days after receiving the respondent's written appeal. If the Assistant Provost of Student Affairs decides to impose a less severe sanction than suspension, the decision of the Assistant Provost of Student Affairs is final. The Assistant Provost of Student Affairs will not have the authority to increase the severity of the recommended sanction.

- If the decision of the JRB is to expel the student respondent, that decision will be transmitted to the Assistant Provost of Student Affairs. The student respondent will then have two business weeks after the decision to appeal to the Assistant Provost of Student Affairs. The appeal will consist of the student respondent's written statement of the disagreement with the decision and argument for reversal, relevant documentation and the recording or the transcript of the JRB hearing. The Assistant Provost of Student Affairs will review the relevant information before making a decision. The Assistant Provost of Student Affairs will render a decision to uphold the expulsion or to take other appropriate action within 15 business days after receiving the respondent's written appeal. If the Assistant Provost of Student Affairs decides to impose a sanction less severe than expulsion, the decision of the Assistant Provost of Student Affairs is final.

XIII. Prevention and Education for Students

The College will review on an ongoing basis, its sexual discrimination, harassment and misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics.

XIV. Training

The Title IX Coordinator, College Police, Responsible Employees, victim advocates, and anyone else involved in responding to, investigating or adjudicating sexual discrimination, harassment and misconduct incidents receive education and training on primary prevention,

bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College policies and procedures, retaliation, the impact of trauma, relevant definitions, and other pertinent topics. The College will annually review its training offerings to identify ways in which to enhance its effectiveness.

XV. Procedures Governing Complaints Solely Involving Employees and/or Third Parties

An employee or third party should notify the Department of Human Resources' Director of Labor and Employee Relations ("Director") or the Manager of Employee Relations ("Manager") if he or she believes that the College, its employees or agents have engaged in sexual discrimination, harassment or misconduct of an employee or third party in violation of Board Policy 3.11.

The Director/Manager may attempt to resolve complaints informally. However, if a formal complaint is filed, the Director/Manager will address the complaint promptly and equitably as follows.

A. Filing a Complaint

An employee or third party (hereinafter "Complainant") who wishes to avail him or herself of this procedure may do so by filing a complaint with the Director/Manager. The Director/Manager will request the Complainant to provide a written statement regarding the nature of the complaint and will require a meeting with the Complainant. The Director/Manager shall assist the Complainant as needed.

B. Investigation

Each complaint shall be investigated promptly, thoroughly, impartially, and as confidentially as possible. The Director/Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint and identity of the Complainant will not be disclosed except as required by law, as necessary to fully investigate the complaint, or as authorized by the Complainant. As a general rule, all complaints will be investigated, even when the Complainant requests that nothing be done.

- The Director/Manager or his/her designated investigator (hereinafter "investigator") will investigate all complaints or allegations of sexual discrimination, harassment, or misconduct, except that, depending on the circumstances, the Vice President of Human Resources may appoint a special investigator. The appointment of a special investigator does not preclude the involvement or assistance of the Director/Manager in the investigation. Whenever the Vice President of Human Resources deems necessary,

a third party (e.g., an attorney) may serve as a special investigator. The investigator should not have any involvement with the Complainant or the alleged wrongdoer outside of the investigation. The Director will ensure that investigators have sufficient authority and resources.

- The investigator will inform potential complainants, complainants, and witnesses that the College prohibits any form of retaliation against anyone who, in good faith, brings a complaint or provides information to the individual investigating a complaint.
- The investigator will provide a fair opportunity for both sides to be heard.
- During the investigation, the investigation file will be kept separate from personnel record files.
- The investigator will prepare a comprehensive written report of his/her findings and will provide the report to the Vice President of Human Resources. If a complaint of sexual discrimination, harassment or misconduct contains allegations involving the Vice President of Human Resources, the written report shall be provided directly to the College President, who will make a decision in accordance with Section D, below.
- Employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

C. Decision

Within 15 business days after receiving the investigator's report, the Vice President of Human Resources shall mail his or her written decision to the Complainant by U.S. mail, first class. A copy will be placed in the investigation file.

D. Appeal

Employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply. FERPA: Family Educational Rights and Privacy Act

Students are afforded certain rights to privacy under the Family Educational Rights and Privacy Act (FERPA).

FERPA: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Students are afforded certain rights to privacy under the Family Educational Rights and Privacy Act (FERPA).

What is FERPA?

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements designed to protect the privacy of student education records. FERPA governs (1) release of education records and (2) student access to education records.

Who is protected under FERPA?

Current or formerly enrolled students (including continuing education students) are protected under FERPA. Students who have applied but have not attended are not protected.

What are education records under FERPA?

Education records are defined as records that are:

- Directly related to the student, and
- Maintained by the college or a party acting for the college.

Education records are not:

- Sole possession records (possessed by the maker only)
- Law enforcement records
- Employment records (unless contingent on attendance)
- Medical records
- Post-attendance records

What information cannot be disclosed?

Information that would directly identify the student or make the student's identity easily traceable is considered non-directory and cannot be disclosed without the student's written consent:

- Name of the student in combination with any of the following items
- Student's parents or other family member
- Student or family address
- Student's Social Security number, COD ID number or other identifying number
- Student's schedule
- List of personal characteristics (such as gender, race, ethnicity or religion)
- Grading or attendance information
- Other information that could make the student's identity easily traceable Family Educational Rights & Privacy Act and College of DuPage Board Policy 20-15

What information can be disclosed?

Information that is available to the public and can be disclosed without a student's written consent is considered directory information.

- Student's name
- College-issued email address
- Student's community
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Terms attended
- Enrollment Status (e.g. full or part time)

- Degrees and awards received
- Last educational institution attended by the student
Note: Students may request that directory information be withheld by contacting the Office of Student Records (SRC 2150) and completing proper documentation.

To whom can non-directory information be disclosed?

- To anyone if the college has obtained prior written consent of the student
- School officials whom the college has determined have a legitimate educational interest
- Other categories designated by FERPA (list available in the Office of Student Records)

Who is a school official?

- Employees in the position of an administrator, faculty or staff member
- Member of the Board of Trustees
- Company employed by or under contract with the college to perform a special task
- Student serving on an official committee or assisting another college employee in performing his or her tasks

What is meant by legitimate education interest?

The demonstrated need to know by those college employees who act in the student’s educational interest.

What about communicating with students via electronic modes?

College employees who communicate with a student about the student’s education record through electronic modes, such as phone, fax and the student’s personal e-mail, must be certain that the person with whom they are communicating is the student.

College of DuPage Board Policy 5.12

Is the course management system secure?

Because students must sign on with their COD ID and password, information is secure. Faculty can be assured that when communicating with students using this system, they are in compliance with FERPA.

Can grades be posted using Social Security numbers? Grades cannot be posted using the whole Social Security number, the last four digits of the Social Security number, or any part of the Social Security number.

What do FERPA and COD say about parents?

- When a student reaches the age of 18 or begins attending college, regardless of age, FERPA rights transfer to the student.
- Students must appear in person in the Office of Student Records to sign a release form to allow parents access to non-directory information.
- Parents requesting non-directory information about their student should be referred to the Office of Student Records, SRC 2150.

Instructors will be notified if the required documentation is received by the Office of Student Records.

How can privacy violations be avoided?

To avoid violations of FERPA, employees should not:

- Communicate electronically (fax, phone, e-mail) about non-directory information unless certain that the communication is with the student
- Link the name of a student with that student’s Social Security number in a public manner
- Require that students share their phone numbers or e-mail addresses with other students
- Leave graded tests in a stack for students to pick up by sorting through the papers of all students
- Circulate a printed class list with students’ names, addresses, or Social Security numbers without written consent
- Discuss the progress of any student with anyone other than the student (including parents or spouse) without written consent of the student
- Provide anyone with lists of students enrolled in a class (or classes) for any commercial purposes
- Provide anyone (except the student) with student schedules or assist anyone other than college employees in finding a student on campus
- Leave student information visible to others who might walk into your office or pass by your desk
- Use personally identifiable information for educational research purposes without getting the proper college authorization

The penalty for noncompliance with federal regulations can be withdrawal of Department of Education funds from the college.

For More information

For more information on the privacy of student education records, contact Darrius Douglas, Dean of Enrollment, BIC 3400, (630) 942-2258, or Jill Pierson, Registrar, SRC 2150, (630) 942-2620.

Safety Tips

Use lighted and busy sidewalks. Park your vehicle in well lite areas, if you intend to return to your vehicle after dark.

Safety in numbers: When exiting the campus after dark, do so with fellow students, community members or employees, whenever possible. If you use a bicycle at campus, consider secure, high-quality locks and cables.

Follow the rules of the road when operating a vehicle; be aware of people around you. When operating a motor vehicle, be aware of any pedestrians in the immediate vicinity and yield as required by law.

Let your friends or family know if you’re going to be out late at a party, on a date or even studying. There’s no need to spill all the details, but you’ll be glad you did if something happens and they have to go looking for you. Stay alert when walking around on campus, even in the middle of the day. Listening to music with headphones or talking/texting on your cell phone can distract you and make you a target for robbery or assault because your guard is down.

Carry some emergency cash. It’s good to have some cash on you at all times, just in case. Perhaps your credit card won’t work or your debit card gets lost. You never

want to be stuck in a scary situation because you don’t have the necessary funds to get out of it as quickly as possible.

Locate the emergency call areas on campus. COD has emergency call phones scattered around campus for students to utilize in the event of an emergency. Should you ever find yourself in trouble, it will be much easier if you know where you can call for help.

Use the police escort service at night. It’s the smart thing to do. Just call campus police at (630) 942-2000 and they will escort you to your vehicle.

Know the phone number for the COD Police—(630) 942-2000—better yet, program it into your phone. Knowing the number off the top of your head (or at least having it in your cell phone) may be the most important thing to remember during an emergency. At regional centers dial 911. **Listen to Your Instincts.** If you think you are being followed, either on foot or by car, do not ignore the thought. Go to a safe environment. If you feel you are in immediate danger, run, scream, honk your horn, flash your lights—make a scene. Such action could deter a possible attacker from following through with their plans.

Have you witnessed a crime but are hesitant to report it? **Use the Silent Witness Program—**for anyone who has witnessed, or knows about a crime committed on campus. Send an email to: mullin@cod.edu with



information you feel may be useful in keeping your campus safe and secure. It's important to provide as much detail as to who, what, when and where, as possible. Your identity will be protected to the fullest extent possible.

Download the Everbridge Mobile App. The app can be used to contact the College of DuPage Police Department for emergency help on campus. It is available in the iTunes or Google Play store.

COD is tobacco free. College of DuPage prohibits the use of all tobacco products, including cigarettes, cigars, pipes, smokeless tobacco and electronic cigarettes on the College of DuPage main campus and regional center campuses. In addition to all buildings, it applies to all outside property. There is a **\$15 fine** for using tobacco on campus. cod.edu/tobacco

Take control of your online life. Be mysterious online. Think twice before you share personal information. Constantly posting social media updates on your whereabouts, activities or even class schedules may allow someone to track your every move. Use your best judgment when "checking-in" on Facebook or Foursquare and geo-tagging images you post to Instagram. Remember this motto: If you would not share the information with a stranger, then you shouldn't share it online.

If you see something, say something. If a situation seems questionable, speak up and alert others around you to it. By intervening you may prevent a crime from being committed. Remember, you can always contact campus police.

Party smart. Guard your drink at parties. Don't accept one from people you don't trust or know well. Stick to drinks you got or prepared yourself. If you happen to walk away from it, get a new one. If you're drinking alcohol, keep track of what you've consumed so that you can stay in control. If you feel like you're getting sick or are too intoxicated, ask a friend for help getting you to a safe place or to a hospital.

Check out the **COD Student Safety Video** for some basic information about safety on campus www.cod.edu/multimedia/safety. only available at <https://www.youtube.com/watch?v=CByoLaVzoh8>

If you are a victim or witness of a crime, report it to the as soon as possible. Obtain as much information as you can about the perpetrator(s) without endangering yourself.

Try to notice such things as height, weight, build, race, color and length of hair, color of eyes, clothing, and any scars or tattoos that may help identify the criminal.

81% of sexual assault victims are under 24, 82% of rapists are known by the victim.

Trust your instincts. If you feel unsafe, or even uncomfortable, in any situation, go with your gut. Don't worry about what others think; your own safety comes first. Make sure that you have verbal and sober consent before engaging in sexual activity.

Be the first to know if COD is closed for bad weather or if there is an emergency on campus. Get COD Alerts and check to make sure we've got your correct phone number. www.Everbridge.com/login/cod. You can login from the Student Portal as well.

Engrave valuable possessions with serial numbers or owner-recognized numbers. Did you know you can check out an engraver from the COD Police Department?

Make plans and be prepared. When going out, know ahead of time who is going and plan to stay together as a group. Construct a backup plan for the day/night so that all of your friends know where to meet up if someone gets separated and/or their phone dies. Always have a designated sober friend in the group, even if they won't be driving. Be sure to check that you have everything you need before you leave—a fully charged phone, the number for a reliable cab company, enough cash to get you home, etc.

Don't let your computer get lonely. Laptops left on their own often walk off with others.

Don't leave your books unattended. If you think your books were expensive the first time, imagine how you'll feel if you have to replace them.

Watch your stuff in the library. You may need to take a quick run to the vending machines to fuel up . . . just as someone happens to walk by and see your phone and laptop unattended.

Don't leave anything valuable in your car—such as handbags, wallets, cell phones or laptops. Don't leave anything in your glove compartment or center console—it is the first place thieves look.

Police officers can assist you with crime prevention, on or off campus. If you have a question, contact us.



EMERGENCY NUMBERS

COD MAIN CAMPUS

425 Fawell Blvd., Glen Ellyn, IL 60137

COD Police Department

(630) 942-2000

Interior Campus Phone Line2000

NON-EMERGENCY NUMBERS

Call 911 for emergencies.

ADDISON CENTER

301 Swift Road, Addison, IL 60101

Addison Police (630) 543-3080

Addison Fire (630) 628-3100

CAROL STREAM CENTER

500 Kuhn Road, Carol Stream, IL 60188

Carol Stream Police (630) 668-2167

Carol Stream Fire (630) 668-4836

NAPERVILLE CENTER

1223 Rickert Drive, Naperville, IL 60540

Naperville Police (630) 420-6666

Naperville Fire (630) 420-6142

WESTMONT CENTER

650 Pasquinelli Drive, Westmont, IL 60559

Westmont Police (630) 981-6300

Westmont Fire (630) 981-6400

INNOVATION DUPAGE

535 Duane St., Glen Ellyn, IL 60137

Glen Ellyn Police (630) 469-1187

Glen Ellyn Fire (630) 469-5265

LISLE/WOODRIDGE

Fire Protection District (630) 353-3054