

Procedures Implementing the College's Sexual Discrimination, Harassment, and Misconduct Policies

I. Purpose, Statement of Non-Discrimination

McHenry County College (also referred to in this document as "The College") is committed to maintaining 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 Harassment, Discrimination, and Misconduct Policies (Board Policy 6.2.2 and Board Policy 6.2.3), 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; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which requires timely warning to the community of certain immediate threats; and the Illinois Preventing Sexual Violence in Higher Education Act.

The College has an affirmative duty to take action once it has actual knowledge of any act of sexual 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. Definitions

- A. *Actual Knowledge*: Notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.
- B. *Complainant*: An individual who is alleged to be the victim of conduct that could constitute sexual harassment, sexual misconduct or discrimination on the basis of sex or gender. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College.
- C. *Consent*: a freely given agreement to sexual activity. A person's lack of verbal or physical resistance or submission resulting from the use of threat or force does not constitute consent. A person's manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time, and a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - The person is incapacitated due to the use or influence of alcohol or drugs;

- The person is asleep or unconscious;
 - The person is underage; or
 - The person is incapacitated due to a mental disability.
- D. *Formal Complaint*: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant.
- E. *Respondent*: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual misconduct or discrimination on the basis of sex or gender.
- F. *Sexual Harassment*: Conduct on the basis of sex that satisfies one or more of the following:
- a. An employee of the College conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (*quid pro quo*);
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- G. The following conduct, as defined by their respective Federal statutes:
- a. "*Sexual assault*," as defined in 20 U.S.C. 1092(f)(6)(A)(v): an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Related definitions include:
 - i. Sex Offense: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
 1. Fondling: the touching of of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
 2. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
 3. Statutory rape: sexual intercourse with a person who is under the statutory age of consent
 4. 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
 - b. "*Dating violence*" as defined in 34 U.S.C. 12291(a)(10): the term "dating violence" means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and;
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- c. *“Domestic violence”* as defined in 34 U.S.C. 12291(a)(8): The term *“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 had 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 jurisdiction receiving grant monies, 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 jurisdiction.
- d. *“Stalking”* as defined in 34 U.S.C. 12291(a)(30): the term *“stalking”* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress.
- H. *Supportive Measures*: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include:
- A referral to free counseling in the community to survivors of sexual violence
 - Extensions of deadlines or other course-related adjustments
 - Modifications of work or class schedules
 - Police escort
 - Mutual restrictions on contact between the parties (a *“No-Contact Directive”*)
 - Increased security and monitoring of certain areas of the campus
 - Assistance from MCC Police in enforcing Orders of Protection from the Court

- Other measures not listed, designed on a case-by-case basis
- I. *Remedies:* Actions implemented for the complainant following a finding of responsibility by the respondent, that effectively restore or preserve equal access to the College’s education program or activity. Remedies may include the same services described in the definition of “supportive measures”; however, remedies may be disciplinary or punitive (e.g. sanctioning a respondent found responsible for sexual harassment), and need not avoid burdening the respondent.

III. Reporting

Any individual may make a report of known information that may constitute sexual harassment or discrimination based on sex or gender, and complainants may file a Formal Complaint at any time (including non-business hours) by contacting a member of the Title IX team at the information listed below:

Title IX Coordinator

Rachel Boldman, Director of Crisis Intervention and Prevention Services

McHenry County College

8900 U.S. 14

Crystal Lake, IL 60014

(815) 479-7572

rboldman@mchenry.edu

Additionally, reports may be made 24 hours a day via our online reporting form:

<https://tinyurl.com/y5gadqt3>.

The Title IX Coordinator may designate a Deputy Coordinator to carry out some, or all, of the duties of the Coordinator as the situation requires.

Responsibilities of the Title IX Coordinator and Deputy 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.
- Being informed of all reports and complaints raising Title IX issues
- Ensuring that adequate training is provided to students, faculty and staff on Title IX issues.
- Overseeing Title IX investigations
- 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 complainant and respondent 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
 OCR.Chicago@ed.gov

IV. 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.

The following categories of employees are the college’s responsible employees:

- Title IX Coordinator
- Deputy Title IX Coordinator(s)
- College Administrators
- Supervisors and Managerial Staff
- Faculty
- Campus Police
- Coaches

- Advisors of all student clubs/organizations
- All staff members

Before a student complainant 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 complainant wants to maintain confidentiality, direct the student victim to the confidential resources listed in Section X.

The College does not employ anyone considered to be a “Confidential Advisor,” a person to whom a complainant may report with complete confidentiality. The College refers complainants to experts in the community when they wish to discuss their situation without filing a formal complaint. To discuss an incident confidentially, contact one of the following local agencies:

V. Supportive and Interim Measures

Supportive Measures

Supportive measures as defined in II(H) will be offered to complainants with or without the filing of a formal complaint. Supportive measures will also be offered to the respondent.

Interim Suspension

The Title IX Coordinator may remove a respondent from the College's education program or activity on an emergency basis following an individualized safety and risk analysis coordinated with the Behavioral Intervention Team, when such analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The respondent will be notified of this determination, and will have an opportunity to challenge the decision immediately following the removal by contacting the Title IX Coordinator using the contact information contained in the notice of the decision of the interim suspension.

Administrative Leave

The College reserves the right to place a non-student employee respondent on administrative leave during a pending grievance process.

VI. Procedures Implementing the College's Policy Specific to Sexual Harassment, as Defined in II(F)

A. Jurisdiction

At the time of filing a formal complaint of sexual harassment, a complainant must be participating in or attempting to participate in the education program or activity of the College. “Education program or activity” includes

locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

If a report or formal complaint is received that does not fall under the College's jurisdiction, supportive measures are still available. Additionally, sexual misconduct or discrimination involving students may be resolved under the Student Code of Conduct if it does not fall under the definition of Sexual Harassment, or the College's jurisdiction. Misconduct involving faculty, staff, or third parties may be resolved under applicable human resources policies and employment contracts.

B. Grievance Process for a Formal Complaint of Sexual Harassment, General Statement

Throughout the grievance process, complainants and respondents will be treated equitably. Supportive measures may be provided to complainants and respondents at any point in the process. Disciplinary sanctions, or other actions that are not supportive measures will not be taken against a respondent unless and/or until the grievance process has been completed unless and until a determination of responsibility for sexual harassment has been made against the respondent. If a respondent has been determined responsible for sexual harassment, the complainant will be provided remedies designed to restore or preserve equal access to the College's education program or activity. Remedies may include the same services described in the definition of "supportive measures"; however, remedies may be disciplinary or punitive (e.g. sanctioning a respondent found responsible for sexual harassment), and need not avoid burdening the respondent.

C. Process, General Statement

Not all reports meet the definition, or constitute sexual harassment as defined in this procedure (see section II(B)) and therefore not all reports or formal complaints are subject to the procedure defined for incidents of sexual harassment. However, the College reserves the right to investigate any report of sexual misconduct or discrimination on the basis of sex using other policies and procedures such as the Student Code of Conduct and/or applicable employment contracts or agreements.

D. Filing a Report or Formal Complaint

1. A report may be made by any person at any time using the contact

methods in Section III. Any report made by a complainant is considered a formal complaint, and will initiate the grievance process outlined in Section VI.

2. A report may be filed to report an alleged violation of this policy, regardless of where the incident occurred. If the incident did not occur within the College's jurisdiction, complainants can still receive supportive measures and other resources if they wish.
3. If the allegations in the report or formal complaint may constitute sexual harassment as defined in this procedure:
4. If the complainant is not the person reporting the harassment:
5. The Title IX Coordinator may contact the reporter to gather additional information.
6. The Title IX Coordinator will contact the complainant confidentially within 12 hours of receipt.
7. The Title IX Coordinator will discuss with the complainant the option to file a formal complaint, supportive measures, which are available regardless of whether the complainant decides to file a formal complaint, and grievance procedures, including formal and informal resolution options.
8. The Title IX Coordinator will provide the complainant with concise information, written in plain language, concerning their rights and options.
9. If the complainant does not wish to file a formal complaint:
 - The complainant must sign a form, or otherwise indicate in writing (e.g. email), acknowledging that they are aware of the available options and are choosing not to file a formal complaint at that time.
 - The complainant's wishes will be respected as to whether the College investigates, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. Examples of situations in which this may occur include (but are not limited to):
 - Multiple reports have been made about the same respondent
 - The incident or other reported information puts the safety of others at risk
 - The Title IX Coordinator will inform the complainant if they decide to sign a formal complaint over the complainant's wishes.

E. Investigation Process

Every effort will be made to complete the investigation and hearing process within 75 business days of receipt of the formal complaint. However, a temporary delay of the grievance process or limited extension of time frames may occur for good cause. Complainants and respondents will be notified in writing as to the delay or extension and the reason for the action. Good

cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity (although this will not automatically delay the process); or the need for language assistance or accommodation of disabilities).

1. Upon receipt of a formal complaint, The Title IX Coordinator will send written notice to both parties (complainants and respondents). The notice will be sent securely to the parties' email addresses on file at the College, and/or mailing address. The written notice will include the following:
 - The name of the complainant and respondent
 - The actions being alleged against the respondent
 - A rationale for the initiation of an investigation, including the policy or policies that have been alleged to be violated.
 - Assigned investigator's name and contact information
 - The date and time of an initial meeting with the investigator
 - The right of each party to supportive measures, and a list of possible supportive measures
 - A link to this policy
 - The right of each party to have an advisor (support person) present at all investigative interviews, meetings, or hearings
 - A list of possible remedies, or sanctions, that may be imposed following a finding of responsibility on the part of the respondent.
2. The Investigator will meet with each party for an initial investigation meeting and will schedule additional meetings with each party as needed to gather information and evidence related to the allegations.
3. Both parties have the right to receive supportive measures, which may include any of the measures listed above in Section II(H) or others deemed appropriate by the parties, investigator, and or Title IX Coordinator.
4. Each party has the right to have an advisor (supportive person) present at all investigative interviews, meetings, or hearings. The advisor may, but is not required to be, an attorney. The role of the advisor is to support the party involved in the investigation. Advisors will not be allowed to speak for a party.
5. Each party has the right to bring forth evidence, both inculpatory (supports a person's responsibility for alleged behavior) and exculpatory (can show a person's non-responsibility for alleged behavior).
6. Evidence created in the context of professional privilege (e.g. medical, psychological, or counseling records, records from meetings with attorneys) will not be sought or used without the party's written permission.
7. Each party has the right to bring forth witnesses that can provide information related to the allegations.

8. Written notice will be sent for any investigative interviews, meetings, or hearings
9. If additional allegations are brought forth during the course of the investigation, written notice will be sent to both parties of the additional allegations.

F. Conclusion of the Investigation

1. At the conclusion of the investigation process, the investigator will send the parties, and their advisors (if applicable), evidence directly related to the allegations, securely via email.
2. Upon receipt of the evidence, each party has 10 calendar days to review and respond to the evidence.
3. Responses must be communicated to the investigator using the contact information provided.
4. Following the 10 calendar day period, the investigator will send the parties, and their advisors (if applicable), an Investigative Report that fairly summarizes relevant evidence, securely via email.
5. Upon receipt of the Investigative Report, each party has 10 calendar days to review and respond to the Report.
6. Responses must be communicated to the investigator using the contact information provided.

G. Potential Remedies and Sanctions

1. If a respondent is found responsible for the alleged harassment, the complainant is entitled to receive remedies to restore or continue their access to the College's education program or activity. Remedies may include the continuation of supportive measures, or others deemed appropriate by the decision-maker. Sanctions may also be imposed on the respondent, and may be considered remedies to the complainant. Sanctions may include (but are not limited to):
2. Educational programming and reflective response
3. Permanent campus no-contact directive
4. Restitution
5. Removal from a class or program for a duration of time that 6. allows the complainant to regain or maintain access
6. Suspension for a duration of time that allows the complainant to regain or maintain access
7. Expulsion

H. Hearing

1. Following the 10 calendar day period, a live hearing with cross-examination will be scheduled. The hearing will be scheduled with at least 10 calendar days for each party to prepare for the hearing.
2. The hearing will occur with a decision-maker who is not the investigator

or the Title IX Coordinator.

3. Live hearings may be conducted with all parties physically present in the same geographic location (i.e. the same room on campus) or, at the College's discretion, or the request of either party, any or all parties, witnesses, and or other participants may appear at the live hearing virtually.
4. The College must create an audio or audiovisual recording, or transcript, of any live hearing.

I. Cross-Examination

1. The decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility
2. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
3. At no time will the parties be permitted to question each other.
 - If a party does not have an advisor available for the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
4. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
5. "Rape shield" protections apply to complainants. Questions and evidence about a complainant's prior sexual behavior are irrelevant, unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
6. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
7. The "Preponderance of the Evidence" standard will be used to determine responsibility.

J. Decision

1. Within 7 calendar days of the live hearing, the decision-maker will issue a

written determination regarding responsibility that includes the following:

2. Identification of the allegations potentially constituting sexual harassment
3. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
4. Findings of fact supporting the determination;
5. Conclusions regarding the application of the recipient's code of conduct to the facts;
6. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed upon the respondent, and whether remedies designed to restore or preserve equal access to the College's program or activity will be provided to the complainant; and
7. The College's procedures and permissible bases for the complainant and respondent to appeal.
8. The written determination will be sent simultaneously to the parties.
9. The determination of responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (See Section VI(L)).

K. Dismissal of a Formal Complaint

1. The College must dismiss a formal complaint in the following circumstances:
 - a. Allegations of conduct that do not meet the definition of sexual harassment as defined in Section II(F).
 - b. Allegations of conduct that did not occur in the College's education program or activity as defined in Section VI(A) against a person in the U.S.
 - c. Such dismissal is only for Title IX purposes and does not preclude the College from addressing the conduct under the Student Code of Conduct, or any applicable staff or faculty contracts or other employment agreements.
2. The College may dismiss a formal complaint in the following circumstances:
 - a. The complainant informs the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or allegations therein.
 - b. The respondent is no longer enrolled or employed by the school

- c. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination

L. Appeals

1. Either party has the right to appeal a determination regarding responsibility, or the dismissal of a formal complaint or any allegations within on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter
 - b. Newly discovered evidence that could affect the outcome of the matter
 - c. Title IX personnel had a conflict of interest or bias that affected the outcome of the matter
2. Appeals must be filed within 10 calendar days of the determination of responsibility or dismissal of a formal complaint.
3. Appeals must be filed in writing (including email) and include an explanation of the reason for the appeal and all applicable evidence.
4. Appeals may be sent to the Title IX Coordinator, who will assign an Appellate officer. The Appellate officer may be a Vice President at MCC, or an outside party, with training in Title IX Appeals.
5. Once the appeal timeframe has passed, or a decision has been reached on an appeal, the matter is considered resolved and the decision (either made by the decision-maker or by the Appellate officer) is final.

M. Informal Resolution Process

1. At any point in the grievance process (following the filing of a formal complaint), either party may request to pursue an informal resolution process rather than the formal resolution process that involves a live hearing. Each party must give voluntary, informed, written consent to attempt informal resolution.
2. The informal resolution process may involve a mediation, or other mutually agreed-upon methods
3. The informal resolution process is only available for formal complaints
4. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
5. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student. Such allegations must proceed through the formal grievance process
6. Once the informal resolution process is completed to the satisfaction of both parties as agreed upon, the matter is considered resolved.

N. Retaliation

1. Retaliation against any parties involved in the grievance process (complainant, respondent, witnesses, etc.) is strictly prohibited.

2. Complaints alleging retaliation may be filed according to the College's prompt and equitable grievance procedures, through the Student Code of Conduct or through procedures in applicable staff or faculty contracts, or other employment agreements.

O. Record Keeping

All evidence and records will be kept including recordings of any hearings will be kept in a secure online file system for seven years.

VII. Other Discrimination Based on Sex or Gender

- A. When allegations of discrimination based on sex or gender are brought to the Title IX Coordinator that do not meet the definition of Sexual Harassment as defined above in Section II(F), the College may respond promptly and equitably through processes other than the formal grievance process. In general,
 1. The complainant and respondent may receive supportive measures to allow access to the College's education program or activity
 2. The Student Code of Conduct, particularly Article VI(B), may be used to address other forms of discrimination in regard to students.
 3. Applicable faculty and staff employment contracts, and other applicable employment agreements may be used to address other forms of sex- or gender-based discrimination in regard to faculty, staff, or other parties.
 4. The allegations will be investigated in a prompt, fair, and equitable manner.
 5. The following allegations always meet the definition of sexual harassment as outlined in Section II(F) regardless of meeting the "severe and pervasive" threshold of the definition.
 - a. Any allegations of "quid pro quo" harassment (Section II(F)(a)) by a College employee
 - b. Sexual assault, stalking, dating violence, and domestic violence as defined under the Clery Act and VAWA (Section II(G)(a-d))

VIII. Knowingly Making a False Statement

- A. Any student who knowingly makes a false statement in bad faith is subject to the Student Code of Conduct, Section VI(B)(1), which prohibits making false statements and/or providing false information to a college official.
- B. Any employee who knowingly makes a false statement in bad faith is subject to applicable staff, faculty, or administrative employment contracts as determined by Human Resources.

IX. Confidential or Anonymous Reports

- A. Anonymous reports may be made by using the TipNow system
TipNow sends an anonymous message to the MCC Police Department 24 hours a day, 7 days a week. Where a reporter chooses to provide their identity and contact information, the College will respond to the reporter within 12 hours.

Download the TipNow app from your app store—available for iPhone and Android Operating Systems.

- Text or call (815) 496-6262
- Email mchenry@tipnow.com

- B. Sometimes a party may wish to discuss their situation without filing a formal complaint. At MCC, all employees are required to report information about potential sexual harassment, misconduct, and discrimination based on sex or gender and thus cannot discuss these matters with complainants confidentially. The College refers complainants to experts in the community when they wish to discuss their situation without filing a formal complaint. To discuss an incident confidentially, contact one of the following local agencies:
- Care Center of the Northwest Center Against Sexual Assault: (815) 671-4004
 - Turning Point Counseling and Support Services: (815) 338-8081
 - McHenry County Crisis Line: (800) 892-8900
- C. A complainant may request confidentiality when filing a formal complaint, or they may choose to file an anonymous report. However, a grievance process may not be able to proceed, and the formal complaint may be dismissed if a report in these instances. Anonymity and strict confidentiality likely prevents the school from gathering sufficient evidence to reach a determination (See Section VI(K)(2)(c)) While the College cannot give strict confidentiality to either party, all information about the investigation, evidence, and hearing are kept private and information is released to professionals involved in the resolution process on a “need-to-know” basis.

X. Options For Assistance Following An Incident Of Sexual Discrimination, Harassment Or Misconduct

A. Immediate Assistance

Off-Campus Resources

The following off-campus resources can provide an immediate confidential response in a crisis situation:

Care Center of Northwest Center Against Sexual Assault: (815) 671-4004

Centegra Crisis Services: (800) 892-8900

McHelp App: Confidential and anonymous downloadable application for immediate, 24-hour access to professional crisis counselors via text message. Available for download in your device’s App Store

Turning Point Counseling and Support Services: (815) 338-8081

Centegra Hospital, Woodstock: (815) 338-2500: 3701 Doty Rd. Woodstock, IL

60098

Emergency room offers free 24/7 crisis counseling

National Hotlines:

National Sexual Assault Hotline

1-800-656-HOPE

<http://www.rainn.org/get-help/national-sexual-assault-hotline>

National Domestic Violence Hotline

1-800-799-SAFE

<http://www.thehotline.org/>

*All of the above provide confidential help

Emergency Response

Anyone who experiences or observes an emergency situation should immediately call 911 and/or campus police at: (815) 455-8733. MCC Campus Police can be located in B176.

- B. 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:

Northwestern Medicine McHenry Hospital*

4201 Medical Centre Drive

McHenry, IL 60050

(815) 344-5000

Care Center of Northwest Center Against Sexual Assault*

24 Hour Confidential Hotline: 1-800-802-8890

Local office: (815) 671-4004

Family Health Partnerships Clinic

401 Congress Parkway

Crystal Lake, IL 60014

(779) 220-9300

McHenry Community Health Center

3901 Mercy Drive

McHenry, IL 60050

(815) 363-9900

*Indicates health care options which provide access to medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost pursuant to the Illinois Sexual

Assault Survivors Emergency Treatment Act (410 ILCS 70).

Seeking medical treatment also serves to preserve physical evidence of sexual violence, which may be important for future prosecution if a crime has occurred.

C. Counseling Options

The following local Counseling Centers are just three of many available for McHenry County College Students. All Counseling Centers listed below take most major insurance plans.

Association for Individual Development (AID)**
5342 W. Elm Street
McHenry, IL 60050
(847) 931-2340

Samaritan Counseling Center of the Northwest Suburbs**
1146 N. Main Street (Rt. 31)
Algonquin, IL 60102
(Other locations available)
(847) 382-HOPE (4673)

Pivotal Counseling Center
224 W. Judd St.
Woodstock, IL 60098
(Lake in the Hills location available)
(815) 345-3400

** indicates that this Counseling Center sees uninsured and underinsured clients, and has funding to provide counseling at a very reduced cost.

D. An individual may also report misconduct to the McHenry County College Police:

On-campus office location: B176
(815) 455-8733
For emergencies after-hours, call 911

The MCC Police Department can assist with connecting individuals to other law enforcement agencies, obtaining and enforcing Orders of Protection, safety escorts, and other resources.

For non-criminal behavior that falls under the College's policies, the MCC Police will refer students to the Title IX Coordinator.

XI. Procedures Governing Complaints Solely Involving Employees And/Or Third Parties

An employee or third party should notify the Assistant Vice President (AVP) of Human

Resources 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 6.2.2.

The AVP of Human Resources may attempt to resolve complaints informally. However, the complainant shall have the right to end the informal process and begin the formal complaint resolution process at any time. If a formal complaint is filed, the AVP of Human Resources will address the complaint promptly and equitably as follows.

A. Filing A Complaint

1. 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 AVP of Human Resources. The AVP of Human Resources will request the Complainant to provide a written statement regarding the nature of the complaint and will require a meeting with the Complainant. The AVP of Human Resources shall assist the Complainant as needed.

B. Investigation

1. Each complaint shall be investigated promptly, thoroughly, impartially, and as confidentially as possible. The AVP of Human Resources 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.
2. The AVP of Human Resources 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 supervisor of the AVP of Human Resources may appoint a special investigator. The appointment of a special investigator does not preclude the involvement or assistance of the AVP of Human Resources in the investigation. Whenever the supervisor of the AVP 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 supervisor of the AVP of Human Resources will ensure that investigators have sufficient authority and resources.
3. 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, provides information to

the individual investigating a complaint, or otherwise participates in the complaint resolution process.

4. The investigator will provide a fair opportunity for both sides to be heard.
5. During the investigation, the investigation file will be kept separate from personnel record files.
6. The investigator will prepare a comprehensive written report of his/her findings and will provide the report to the AVP and the President of the College, who is the supervisor of the AVP of Human Resources. If a complaint of sexual discrimination, harassment or misconduct contains allegations involving the AVP 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.
7. Employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.

C. Decision

1. Within fifteen (15) business days after receiving the investigator's report, a written decision to the Complainant by U.S. mail, first class, will be mailed. A copy will be placed in the investigation file.

D. Appeal

1. Employee misconduct appeal procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.