



HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT GUIDELINES



Triton College
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Triton College

Harassment, Discrimination, and Sexual Misconduct Guidelines

(January of 2025)

1. Introduction

Triton College does not discriminate on the basis of sex in the educational programs and activities it operates. The essence of laws prohibiting sex discrimination in schools is that an institution may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex unless expressly authorized to do so under relevant law.

Triton College is committed to sustaining a learning and working environment that is free from sexual harassment, including dating violence, domestic violence, bullying on the basis of sex, stalking, retaliation, and other sexual harassment and misconduct. Triton College strongly encourages individuals to report any sex discrimination or harassment to Triton's Title IX Coordinator or Deputy Title IX Coordinator using contact information contained in Board policy and these Guidelines. This helps maintain a safe and productive environment for all members of our community.

These Guidelines explain the processes for reporting sexual harassment and filing a sexual harassment complaint; conduct that is prohibited as sexual harassment; the investigative processes for sexual harassment complaints; informal resolution processes available in some cases; potential outcomes, including remedies and consequences for policy violations; rights and responsibilities of parties and witnesses; and resources available to the campus community for sexual misconduct-related concerns.

These Harassment, Discrimination, and Sexual Misconduct Guidelines are consistent with requirements in state and federal law including Title IX of the Education Amendment of 1972 (Title IX), the Clery Act, the Violence Against Women Act (VAWA), the Illinois Preventing Sexual Violence in Higher Education Act, and the Illinois Human Rights Act (IHRA) requirements.

2. Reporting Misconduct

Any student, employee, applicant for admission or employment, or other person who believes that any student, employee, applicant for admission or employment, or other person has been subjected to sex discrimination, in one of Triton's education programs or activities, including sexual harassment and other misconduct and discrimination based on gender identity and failure to conform to stereotypical notions of masculinity and femininity is encouraged to promptly report the conduct to the Triton Title IX Coordinator or Deputy Title IX Coordinator.

Amnesty may be given to individuals reporting sex discrimination, including sexual harassment or other misconduct. Amnesty is immunity for individuals who report in good faith an alleged violation of the college's policies prohibiting sex discrimination, including sexual harassment and other misconduct, where reporting might subject the complainant to a disciplinary sanction by the institution, such as for a student conduct violation.

2.1 To file a complaint alleging sex discrimination, including sexual harassment and other misconduct, contact the Title IX Coordinator at:

Julia Willis
Dean of Students/Deputy Title IX Coordinator Triton College
Triton College
Office B-250A
2000 Fifth Ave
River Grove, Illinois 60171
708-456-0300 ext. 3865
Email: juliawillis@triton.edu

Joe Klinger (for misconduct toward staff and others)
Associate Vice President of Human Resources | Title IX Coordinator
Triton College
Office P-105
2000 Fifth Ave
River Grove, Illinois 60171
708-456-0300 ext. 3743
Email: joeklinger@triton.edu

3. Required and Confidential Reporting

3.1 Confidential Reporting

Confidential Advisors will maintain confidentiality *except* in extreme cases of immediate threat or danger to self or others or suspected abuse of a minor. Confidential reporters will submit timely, anonymous, aggregate statistical information for Clery purposes unless they believe it would be harmful to a specific employee or student.

Designated Confidential Advisors

Leslie Wester, MA, LCPC
Chairperson of Counseling & TCFA President
Triton College
Office A106-C
2000 Fifth Ave
River Grove, Illinois 60171
708-456-0300 ext. 3484
708-779-4484
Email: lesliewester@triton.edu

Tracy Wright, MA, LCPC
Licensed Clinical Professional Counselor
Counseling & Wellness Support Services
Triton College
Office A-106
2000 Fifth Ave
River Grove, Illinois 60171
708-456-0300 ext. 3609
Email: tracywright@triton.edu

3.2 Student and Employee Resources

Sarah's Inn Domestic Violence Agency

Services offered in English and Spanish
Office locations in Chicago and West Cook County
Cook County Domestic Violence Courthouse
Legal advocacy available at:
Cook County Domestic Violence Courthouse – 555 Harrison St, Chicago, IL 60607
Maywood Courthouse – 1500 Maybrook Dr, Maywood, IL 60153
24-Hour Crisis Line (708)386-4225
Text Line: (708) 669-6149
www.sarahsinn.org
Additional Services: Partner Abuse Intervention Program (in English and Spanish • fees apply)

Pillars Community Health Innovative Provider of Health and Social Services

Services offered in English, Spanish, and Arabic
Office location in LaGrange Park
Legal advocacy available at:
Bridgeview Courthouse – 10220 S 76th Ave, Bridgeview, IL 60455
Maywood Courthouse – 1500 Maybrook Dr, Maywood, IL 60153
24-Hour Crisis Line: (708) 485-5254
www.pillarscommunityhealth.org
Additional Services: Constance Morris House Emergency Shelter

Perspectives – High Quality Services to Improve Performance

Student/Employee assistance program
20 N Clark Street, Suite 2650 Chicago, IL 60602
Mental Health services
(866) 866-7556

Mujeres Latinas En Accion – Empowering Latinas through Service and Advocacy

Services offered in English, Spanish, and Portuguese

Office locations in Chicago and North Riverside

Legal advocacy available at:

Bridgeview Courthouse – 10220 S 76th Ave, Bridgeview, IL 60455

Maywood Courthouse – 1500 Maybrook Dr, Maywood, IL 60153

24-Hour Crisis Line (312) 738-5358

www.mujereslatinasenaccion.org

Arab American Family Services – Caring and Compassionate Assistance

Services offered in English, Arabic, and Spanish

Office location in Bridgeview

Legal advocacy available at:

Cook County Domestic Violence Courthouse - 555 Harrison St., Chicago, IL 60607

Bridgeview Courthouse – 10220 S 76th Ave, Bridgeview, IL 60455

Rolling Meadows Courthouse – 2121 Euclid Ave, Rolling Meadows, IL 60008

24-Hour Crisis Line (708) 945-7600

www.arabamericanfamilyservices.org

Free Legal Assistance Related to Domestic Violence

Greater Chicago Legal Clinic – (312) 726-2938, <https://www.gclclaw.org/>

Illinois Coalition for Immigrant and Refugee Rights (ICIR) - (312)332-7360, <https://www.icirr.org/>

Legal Aid Chicago – (312) 341-1070, <https://www.legalaidchicago.org/>

Documentation of legal right to be in the country is not required for matters involving domestic violence.

Triton College Police Department

The Triton College Police Department is commissioned with full police powers pursuant to the Illinois Compiled Statutes. The Police Department is a 24-hours a day, 7 days a week agency that enforces all state and local laws as well as College rules and regulations. Services are offered in Spanish and English or another language via the translation service.

2000 North Fifth Avenue

Building N, Room 206

River Grove, Illinois 60171

Phone: (708) 456-6911

TDD: (708) 452-8115

Fax: (708) 583-3119

See Something, Say Something

investigations@triton.edu

Non-Emergency Police Inquiries

tcpd@triton.edu

3.3 Request for Confidentiality

If a complainant does not wish for an investigation to take place, or does not want any form of resolution to be pursued, they may make such a request to the Title IX Coordinator or the Deputy Title IX Coordinator who will evaluate that request in light of the duty to ensure the safety of the campus

and the duty to comply with federal law. Information reported and compiled in compliance with the Jeanne Clery Act lists only the date of the incident, time of the incident, location where the incident occurred, a brief and vague description of the type of incident, and a disposition of the actions taken by Triton College Police Department. Personally identifiable information may reside in the reports made by Triton College's Police Department or in reports made to the Title IX Coordinator or Deputy Title IX Coordinator and are not for public view except as required by law. In cases investigated under Title IX, or indicating a pattern, predation, threat, weapons, and/or violence, Triton College is not likely able to honor a request for confidentiality. In other cases, where circumstances allow the College to honor a request for confidentiality, the College will offer resources, interim remedies, and/or supportive measures to the complainant and/or the alleged victim of the misconduct, but will not otherwise pursue formal action. A complainant has the right to have and can expect Triton College to take formal reports seriously and to have those incidents investigated and properly resolved through these procedures.

Even where a confidentiality request cannot be reported, only a small group of individuals who need to know will be informed of the report and facts related thereto. The circle of people with this knowledge will be kept as narrow as possible to preserve both parties' rights and privacy but may include, as necessary, investigators, witnesses, the respondent and any other person or entity as necessary or required by law.

3.4 Required Reporters: All College employees have a duty to report all acts of quid pro quo harassment, dating violence, domestic violence, stalking, harassment, threats, and bullying on the basis of sex, retaliation, sexual harassment, and sexual misconduct, unless they fall under the "Confidential Reporting" section above. Because employees are Required Reporters, complainants may want to consider carefully whether they share personally identifiable details with College employees, as those details must be shared with the Title IX Coordinator or Deputy Title IX Coordinator. Employees must share all details of the reports, including the name of the complainant and respondent, if known. Failure of a required reporter, as described in this section, to report an incident prohibited conduct on the basis of gender identity and failure to conform to stereotypical notions of masculinity and femininity is a violation of College policy and subject to disciplinary action. The designation of such parties as "Required Reporters" does not render the individuals "Officials with Authority" under Title IX; see Section 17.2, below.

As soon as a Required Reporter has been notified of an incident, they should provide a report to the Title IX Coordinator or Deputy Title IX Coordinator to ensure supportive measures and other academic accommodations can be provided, as warranted and reasonably available, as quickly as possible. Supervisors of Required Reporters shall not create additional processes within a department nor investigate a complaint before reporting to the Title IX Coordinator or Deputy Title IX Coordinator.

Required Reporters can access and submit their Incident Reporting Form on the Triton College Website.

3.5 Report and Complaint Processes in Conjunction with a Police Investigation

All student and employee conduct processes are separate from law enforcement investigations; a conduct investigation and police investigation may occur at the same time. The Triton College Police Department or local police department is the contact for a police investigation, and the Title IX Coordinator is the contact for a conduct investigation.

When concurrent criminal charges are or may be pending, the College may adjudicate complaints without regard to either civil or criminal prosecution. College processes may proceed before, during, or after court proceedings. The College may delay or extend timelines provided for in these Guidelines as reasonable and necessary based on concurrent law enforcement proceedings.

The College encourages, although does not require, individuals to report sexual violence and any other criminal offenses to the police. Reporting to police does not commit an individual to prosecute, but will allow the gathering of information and evidence by law enforcement. The information and evidence may be used in future criminal prosecution, College conduct actions, and/or civil actions against the perpetrator.

On-campus, incidents can be reported to Triton College Campus Police at (708) 456-0300 ext. 3206 or in-person at any of the Campus Police locations. If an incident occurs off-campus, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.

Preservation of Evidence: The preservation of evidence, which can include information and tangible materials, is essential for both campus disciplinary proceedings and law enforcement investigations. Any evidence obtained prior to, and throughout, the reporting and investigative process may support a finding that the alleged prohibited conduct or criminal offense occurred. Potential evidence, including, but not limited to, clothing, drinks, glasses, electronic communication (e.g. emails and text messages), and photographs, should be preserved.

3.6 Limitations of Confidentiality: Triton College will make every reasonable effort to preserve an individual's privacy and protect the privacy of information when requested. Reports will be treated confidentially to the extent permitted by these Guidelines and relevant law. However, please note that Title IX does not permit the College to maintain confidentiality of a Complainant's identity from the Respondent during the Title IX Grievance Process.

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

For all reports or complaints of discrimination or harassment on the basis of sex other than Title IX Sexual Discrimination, the General Grievance Procedures below will be used to process the report or complaint.

Title IX Grievance Procedures

17.1 These Title IX Sexual Harassment Grievance Procedures will be used to process any report or complaint of “Title IX Sex-Based Discrimination, including sexual harassment,” as defined in these Title IX Grievance Procedures. Any person may report Title IX Sex-Based Discrimination under these procedures, whether or not the complainant is the person alleged to be the victim of the conduct. Reports of Title IX Sex-Based Discrimination may be made in person, by mail, by telephone, or by electronic mail at any time (including during non-business hours) directed to the Title IX Coordinator using the contact information contained in these Procedures and Board policy. If an employee, other than a confidential employee, as defined in these Grievance Procedures, receives a report or otherwise has knowledge of Title IX Sex-Based Discrimination, the employee must promptly report such information to the Title IX Coordinator.

Processing a report or complaint under these Title IX Grievance Procedures does not preclude processing some or all allegations of a report or complaint under other policies and procedures, including the General Grievance Procedures above, to the extent allowed by Title IX and other laws.

These Grievance Procedures comply with all requirements of Title IX and its implementing regulations and provide required notice of the procedure used to respond to complaints of Title IX Sex-Based Discrimination for necessary stakeholders.

If the regulations implementing Title IX are enjoined or invalidated by a Federal Court with jurisdiction over the College or reversed or replaced by any agency with sufficient authority, these Title IX Grievance Procedures will immediately cease to apply to reports and complaints of sexual harassment and sexual misconduct, including Title IX Sexual Harassment, unless and until any such injunction, invalidation, reversal, or replacement is overturned or reversed. In such an event, the College will follow the direction of the court that enjoined the Title IX regulations or the Department of Education’s Office for Civil Rights, as appropriate, to determine how to proceed with allegations arising out of the Title IX.

Schools must respond promptly and effectively to allegations of Title IX Sex-Based discrimination. Notice to a Title IX Coordinator or an employee other than a confidential employee charges a school with knowledge and triggers the school’s response obligations. Schools must respond when sex-based discrimination occurs in a school’s educational program or activity including conduct that occurs in any building owned or controlled by a student organization that is officially recognized by a postsecondary institution or conduct that is subject to the College’s disciplinary authority. Title IX applies to all of a school’s education programs or activities whether such programs or activities occur on-campus or off-campus.

17.2 Title IX Sexual Harassment Definitions

The following terms have the following definitions as used in these Title IX Sexual Harassment Grievance Procedures:

“Knowledge”—of conduct that may reasonably constitute sex discrimination. An Employee, other than a confidential employee, with knowledge of allegations that, if true, could constitute a violation of Title IX has an obligation to report the allegations to the Title IX Coordinator.

“Business Days”—Days on which the College main office is open.

“Confidential Employee” – means:

- (1) An employee of the College whose communications are privileged or confidential under Federal or State law. The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.
- (2) An employee of the College whom the College has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- (3) An employee of the College who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination – but the employee’s confidential status is only with respect to information received while conducting the study.

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

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

“Education Program or Activity”—Locations, events, or circumstances over which the College exercises substantial control over both the Title IX Respondent and the context in which Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is

officially recognized by the College or conduct that is subject to the College's disciplinary authority. Depending on the facts, this phrase may extend to off-campus Title IX Sexual Harassment incidents.

"Title IX Appellate Decisionmaker"—One or more individuals designated to conduct an appeal required by Title IX and these Title IX Sexual Harassment Grievance Procedures. The Title IX Appellate Decisionmaker cannot be the Title IX Coordinator, the Title IX Investigator, or the Title IX Decisionmaker assigned to the same Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement these Title IX Sexual Harassment Grievance Procedures and to serve impartially.

"Title IX Complainant"—Complainant means:

- (1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under title IX and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

"Title IX Coordinator"—An individual designated and authorized by the College to coordinate its efforts to comply with and carry out its responsibilities under the regulations implementing Title IX. The Title IX Coordinator's contact information can be found in this Student Handbook.

"Title IX Complaint"—an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX.

"Title IX Informal Resolution Facilitator"—An individual designated by the Title IX Coordinator to seek an informal resolution of a Formal Title IX Complaint in accordance with these Title IX Sexual Harassment Grievance Procedures. The Title IX Informal Resolution Facilitator must be free from conflicts of interest or bias against Complainants and Respondents generally and against an individual Title IX Complainant or Respondent and must be trained to properly implement this Title IX Sexual Harassment Process and to serve impartially.

"Title IX Investigator"—An individual designated to investigate a Formal Title IX Complaint according to these Title IX Sexual Harassment Grievance Procedures. The Title IX Investigator, which may also be the Title IX Coordinator or designee, may also be the Title IX Decisionmaker. However, the Title IX investigator may not be the Title IX Appellate Decision maker assigned to the same Complaint. The investigator must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement these Title IX Sexual Harassment Grievance Procedures and to serve impartially.

"Title IX Respondent"—An individual who has been reported to be the perpetrator of conduct that could constitute Title IX sex discrimination.

“Sex-Based Harassment”— Sex discrimination, including sexual harassment and other harassment on the basis of sex, that is:

Sexual Assault

- Sexual Assault is any type of sexual contact or behavior that occurs without the consent of the recipient. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, molestation, incest, fondling, rape, and attempted rape. It includes sexual acts against people who are unable to consent due to age or lack of capacity.

Dating Violence

- Dating Violence is violence and abuse committed by a person to exert power and control over another person with whom they have been in a social relationship of a romantic or intimate nature. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions and can include physical abuse, psychological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media to intimidate, harass, threaten, or isolate a person.

- *Domestic violence*

- Domestic Violence is a pattern of abusive behavior in a relationship that is used by a family or household member to maintain power and control over another family or household member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone.

- *Stalking*

- Engaging in a course of conduct directed at a specific person based on sex that would cause a reasonable person to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

“Title IX Supportive Measures”—Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Title IX Complainant or Respondent before or after the filing of a Formal Title IX Complaint or where no Formal Title IX Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment and deter sexual harassment. Title IX Supportive Measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may be requested verbally or in writing by the complainant or the respondent, or the College can initiate the supportive measures in the absence of a request at any time during the process.

“Title IX Team”—The group of individuals responsible for addressing reports and complaints of Title IX Sexual Harassment, including the Title IX Coordinator or designee, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX Informal Resolution Facilitators.

“Title IX Decisionmaker”—An individual designated by the Title IX Coordinator or designee to reach a determination regarding responsibility in a Formal Title IX Complaint by applying the preponderance of the evidence standard of proof. The Title IX Decisionmaker cannot be the Title IX Appellate Decision maker assigned to the same Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement these Title IX Sexual Harassment Grievance Procedures and to serve impartially.

17.3 Title IX Sexual Harassment Investigation Process

If the College has Knowledge of Title IX Sex-Based Discrimination, the institution shall respond in a manner that is prompt and effective by using these Title IX Grievance Procedures. No person designated or serving as a Title IX Coordinator or designee, Title IX Investigator, Title IX Decisionmaker, Title IX Appellate Decisionmaker or Title IX Informal Resolution Facilitator will have a conflict of interest or bias for or against Title IX complainants or respondents generally or against an individual Title IX Complainant or Title IX Respondent. The institution’s response will include, at a minimum, the following:

Whether or not a complaint alleging Title IX Sexual Harassment is initiated, at a minimum, the Title IX Coordinator or designee will comply with the following:

- **Initial Meeting with the Complainant:** The Title IX Coordinator or designee must promptly contact the Title IX Complainant to:
 - Discuss the availability of Supportive Measures;
 - Inquire about and consider the Title IX Complainant’s wishes with respect to Supportive Measures;
 - Inform the Title IX Complainant of the availability of Supportive Measures with or without the initiation of a Complaint; and
 - Explain to the Title IX Complainant the process for filing a Complaint as set forth in these Title IX Sexual Harassment Grievance Procedures.
- **Supportive Measures:** The College will maintain as confidential any supportive measures provided to the Title IX Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures. The College may not impose any disciplinary sanctions or other actions that are not Supportive Measures against a Title IX Respondent unless a Complaint has been initiated and a finding of responsibility has been issued against the Title IX Respondent under these Title IX Sexual Harassment Grievance Procedures.

- **Emergency Removals/Leaves of Absence:** the College may, however, remove a student-Title IX Respondent from its education program or activity on an emergency basis, provided that the College makes an individualized safety and risk 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, and provides the Title IX Respondent with notice and an opportunity to challenge the decision immediately following the removal. The College also may place a non-student employee Title IX Respondent on paid administrative leave during the pendency of these Title IX Sexual Harassment Grievance Procedures. Such emergency removals/leaves of absence must comply with any other relevant laws, policies, administrative procedures, and agreements governing removals of students and/or employees from the institution's program or activity.

If a Complaint alleging Title IX Sexual Harassment is initiated, the Title IX Coordinator or designee will, at a minimum:

- **Notice of Allegations:** Provide written notice to any known Title IX Complainants and Title IX Respondents including:
 - A copy or link to these Title IX Sexual Harassment Grievance Procedures
 - Notice of the allegations of Title IX Sex-Based Discrimination in the complaint, including the identities of all known parties involved in the incident(s), the conduct allegedly constituting Title IX Sex-Based Discrimination, the date and location of the alleged incident, and any other details necessary to prepare a response; such notice must be provided with sufficient time for the parties to prepare a response before any interview, which in no case shall be less than 24 hours
 - A statement that retaliation is prohibited
 - A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, or an accurate description of this evidence
 - A statement that the Title IX Respondent is presumed not responsible for the alleged conduct
 - A statement that a determination regarding responsibility is made at the conclusion of the Grievance Procedures and that, prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to the decisionmaker
 - Notice to the parties that they may have an advisor of choice who may be, but is not required to be, an attorney
 - Notice of any provision of the College's code of conduct that prohibits knowingly

making false statements or knowingly submitting false information during the Grievance Procedures

If at any time during the course of the investigation additional allegations of Title IX Sex-Based Discrimination arise that will be investigated and that were not included in the written notice, the Title IX Coordinator or designee will promptly provide notice of the additional allegations as described above to the parties whose identities are then known.

- **Dismissals:** The College may dismiss a complaint or allegations therein where;
 - The Respondent is unable to be identified;
 - The Respondent is not participating in the College's education program or activity, or is not employed by the College;
 - Complainant withdraws the Complaint, or withdraws allegations in the Complaint and, without the withdrawn allegations, the remaining allegations would not constitute sex discrimination under Title IX; or
 - Even if true, the conduct alleged would not constitute sex discrimination under Title IX

When dismissing a complaint alleging sex-based harassment involving a student complainant or student respondent, the College will:

- Provide the parties, simultaneously, with written notice of the dismissal and the basis for the dismissal, except if the dismissal occurs before the respondent has been notified of the allegations, in which case the College will provide such notice only to the complainant; and
 - Obtain the complainant's withdrawal in writing if dismissing a complaint based on the complainant's voluntary withdrawal
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- **Identification of Investigator:** Identify and document one or more qualified Title IX Investigator(s) who will investigate the Formal Complaint. The Title IX Investigator(s) will investigate the allegations of Title IX Sexual Harassment in a Formal Complaint.
 - **Informal Resolution:** Unless the Formal Complaint involves an allegation of sexual misconduct by a College employee against a student, the Title IX Investigator will, within 5 Business Days of assignment to the Formal Complaint, notify the Title IX Complainant and the Title IX Respondent of the option to complete informal resolution. The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment consistent with this policy. The College also will not require parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a Formal Complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the

College:

- Provides to the parties a written notice disclosing:
 - the allegations;
 - the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Complaint arising from the same allegations, provided, however, that 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 Procedures with respect to the Complaint;
 - any party has a right to withdraw from the process prior to agreeing to resolution;
 - agreement to a resolution precludes initiating the grievance procedures;
 - potential terms that may be requested or offered in an informal resolution agreement; and
 - any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- Obtains the parties' voluntary, written consent to the informal resolution process, and
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

If informal resolution is undertaken, the Title IX Coordinator or designee will assign an Informal Resolution Facilitator who will attempt to informally resolve the matter between the parties. During the informal resolution process, all timeframes under these Title IX Grievance Procedures will be tolled. If no resolution is reached within 20 Business Days of commencement of the informal resolution, unless such 20-day time period is extended by agreement of the parties, or if the parties do not elect to engage in informal resolution, the Title IX Investigator(s) will recommence the investigation.

During the investigation of a Complaint and throughout these Title IX Grievance Procedures,
the Title IX Team must:

- **Burdens:** Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties, provided that the College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains the voluntary, written consent to do so from that party.

- **Equal Treatment – Evidence Presentation:** Provide an equal opportunity for the parties to present any inculpatory or exculpatory evidence, including fact and expert witnesses. The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- **Equal Treatment – Advisors:** Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of an advisor for either the Title IX Complainant or Title IX Respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if at all, as long as the restrictions apply equally to both parties.
- **Written Notice of Meetings:** Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time for the party to prepare to participate.
- **Equal Opportunity – Evidence Review:** Provide both parties an equal opportunity to inspect, review and respond to any relevant evidence, that is not otherwise impermissible evidence, or an accurate description of such evidence, obtained as part of the investigation.

The process used to investigate and resolve a Complaint will also meet the following additional requirements:

- The process used must treat Title IX Complainants and Title IX Respondents equitably in all manners, including by providing remedies to a Title IX Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Title IX Respondent, and by following these Grievance Procedures before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Title IX Respondent.
- No evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege will be required, allowed, or relied on unless the person holding such privilege has waived the privilege.
- The Title IX Investigator and the Title IX Decisionmaker (who may be the same person) will objectively review all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Title IX Complainant, Title IX Respondent, or Witness.
- All members of the Title IX Team will operate under a presumption that the Title IX Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of these Title IX Sexual Harassment Grievance Procedures.
- Remedies must be designed to maintain the Title IX Complainant's equal access to education and may include, but are not limited to, the same individualized services described as

Supportive Measures in this policy. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Title IX Respondent. Student discipline can involve a range of consequences, which may include, but are not limited to, Supportive Measures, a warning, recommendation for suspension and/or expulsion, depending on the severity of the action and circumstances of the student(s) involved. The full range of applicable sanctions is listed above in the **General Grievance Procedures**. Discipline for employees also includes a range of options, including, but not limited to, a letter of reprimand, reassignment, suspension with or without pay, discharge or recommendation for discharge, notifying appropriate legal authorities and/or taking legal action against the employee.

- The Title IX Coordinator or designee may consolidate Complaints as to allegations of Title IX Sexual Harassment against more than one Title IX Respondent, or by more than one Title IX Complainant against one or more Title IX Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

After the investigation of a Complaint, the Title IX Coordinator or designee and the Title IX Decisionmaker will comply with the following:

- **Designation of Decisionmaker:** The Title IX Coordinator or designee will identify one or more Title IX Decisionmakers for the Complaint. The Decisionmaker may be the Title IX Coordinator or designee or the Title IX Investigator assigned to the Complaint.
- **Questioning:** The College must provide a process that enables the Decisionmaker (who may also be the Investigator) to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations of sex-based discrimination. The process for proposing and asking relevant and not otherwise impermissible questions and follow up questions must:
 - Allow the investigator or decisionmaker to ask questions during individual meetings with a party or witness;
 - Allow each party to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness;
 - Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

The Decisionmaker must determine whether a proposed question is relevant and not otherwise impermissible prior to the question being posed, and must explain any decision to exclude a question as not relevant or otherwise impermissible. If a Decisionmaker determines that a party's question is relevant and not otherwise impermissible, then the question must be asked except that the College will not permit questions that are unclear or harassing of the party or witness being questioned. The Decisionmaker must give a party an opportunity to clarify or revise a question that the decisionmaker has determined is unclear or harassing and,

if the party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question must be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

- **Written Determination:** The Title IX Decisionmaker(s) must issue a written determination regarding responsibility. To reach this decision, the Title IX Decisionmaker(s) must apply the preponderance of the evidence standard, regardless of whether the Title IX Respondent is a student or an employee. The written determination must include:
 - A description of the alleged sex-based conduct;
 - Information about the policies and procedures that the College used to evaluate the allegations;
 - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based discrimination occurred;
 - When the Decisionmaker finds that sex-based discrimination occurred, any disciplinary sanctions the College will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based discrimination; and
 - The College's procedures and permissible bases for the Title IX Complainant and Title IX Respondent to appeal.
- **Notice of Written Determination:** The Title IX Decisionmaker(s) or a designee must provide the written determination to the parties simultaneously.
- **Appeal:** Both parties may appeal from either a determination regarding responsibility or from the College's dismissal of a Complaint or any allegations therein, on the following bases:
 - Procedural irregularity or error that affected the outcome of the matter
 - New evidence or information that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and
 - Claims that the Title IX Coordinator or designee, Investigator(s), or Decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Title IX Complainant or Title IX Respondent that affected the outcome of the matter.

A Title IX Complainant or Title IX Respondent who wishes to appeal must submit a notice of appeal to the Title IX Coordinator within 5 calendar days of the date of the Title IX Decisionmaker(s)' decision. An

appeal may be filed by email, mail, or hand delivery to the Title IX Coordinator. If delivered by mail, the notice of appeal must be postmarked by the 5th calendar day after the date of the Title IX Decisionmaker(s)' decision.

Upon receipt of an appeal, the Title IX Coordinator or designee must do the following:

- **Notice of Appeal:** Promptly after receipt of the appeal, notify the other party in writing that an appeal was filed
- **Equal Treatment – Appeal:** Implement appeal procedures equally for both parties
- **Different Title IX Appellate Decisionmaker:** Ensure that the Appellate Decisionmaker(s) are not the same person(s) as the Title IX Decisionmaker(s) that reached the determination regarding responsibility or dismissal, the Title IX Investigator(s) assigned to the complaint, or the Title IX Coordinator or designee.
- **Appeal Standards Met:** Ensure that the Title IX Appellate Decisionmaker(s) complies/comply with the standards set forth in this policy for appeals

Upon receipt of an appeal, the Title IX Appellate Decisionmaker(s) must do the following:

- **Equal Treatment – Written Statement:** Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
- **Written Appeal Decision:** Issue a written decision describing the result of the appeal and the rationale for the result within 30 Business Days of receipt of the notice of appeal, and
- **Notice of Written Appeal Decision:** Provide the written decision on appeal simultaneously to both parties.

If an appeal is successful, the Title IX Coordinator or designee will remand the matter back to the appropriate member of the Title IX Team to remedy the concern. A determination regarding responsibility becomes final on the date that (1) if an appeal is filed, the Title IX Appellate Decisionmaker or designee provides the parties with the written determination of the result of the appeal upholding the determination; or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

After the conclusion of the Title IX Sexual Harassment Grievance Procedures, the College or the parties may exercise any rights ancillary to this Title IX process as necessary, e.g. disciplinary processes for suspensions or expulsions of students; tenured faculty dismissal proceedings; any other pre-remedy process required by any applicable law, agreement, policy, or contract; etc.

17.4 Required Title IX Training

Under Title IX, the following individuals will receive the following Title IX training:

1. *All employees*: All employees will receive annual training on: (i) the College's obligation to address sex discrimination in its education programs or activities; (ii) the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and (iii) all applicable notification and information requirements under Title IX.
2. *Investigators, Decisionmakers, and other persons responsible for implementing the Grievance Procedures or with the authority to modify or terminate supportive measures*: In addition to the *all employee* training, will receive annual training on: (i) the College's obligations in responding to allegations of sex discrimination; (ii) the College's Grievance Procedures; (iii) how to serve impartially, including by avoiding prejudgment of the facts at issues, conflicts of interest, and bias; and (iv) the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under Title IX.
3. *Facilitators of Informal Resolution processes*: In addition to the *all employee* training, will receive annual training on the rules and practices associated with the College's Informal Resolution process and how to serve impartially.
4. *Title IX Coordinator and Designees*: In addition to all of the trainings, above, will receive annual training on their specific responsibilities under Title IX, the College's recordkeeping system, and any other training necessary to coordinate the College's compliance with Title IX.

17.5 Required Title IX Recordkeeping

The Title IX Coordinator or designee will maintain, for a period of at least 7 years, records of:

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures, and if applicable, the resulting outcome.
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the College took to meet its Title IX obligations.
- All materials used to train Title IX Coordinators, their designees, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX Informal Resolution Facilitators.

17.6 Confidentiality

Title IX does not permit the College to maintain a complainant's anonymity. Both parties must be identified and included in the written notice of allegations. However, inclusion of personally identifying information beyond identities is not required.

Title IX affirms that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines to initiate an investigation after consideration of the factors identified by Title IX and a determination that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as

alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity.

17.7 Amnesty

Amnesty may be given to individuals reporting sex discrimination, including a Title IX complaint. Amnesty is immunity for individuals who report in good faith an alleged violation of the college's policies prohibiting sex discrimination, including sexual harassment and other misconduct, where reporting might subject the complainant to a disciplinary sanction by the institution, such as for a student conduct violation.

17.8 Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the State or federal Constitution, State or federal statute, the College policy, these Title IX Sexual Harassment Grievance Procedures, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Title IX Sexual Harassment Grievance Procedures.

Charging an individual with a code of conduct violation for knowingly making a materially false statement or knowingly providing false information in the course of an investigation under these Title IX Sexual Harassment Grievance Procedures is not prohibited retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or knowingly provided false information. Complaints alleging retaliation may be filed under the General Grievance Procedures, above.

17.9 Right to Pursue Other Remedies Not Impaired

The right of a person to resolution of a report or complaint under this policy shall not be impaired by the person's pursuit of other remedies, such as criminal complaints, civil actions, etc. Use of this policy and the Grievance Procedures herein are not a prerequisite to the pursuit of other remedies and may not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the College will conduct its own investigation, although in some cases delays due to another process may be warranted or required.

17.10 Deadlines

All timeframes under these Title IX Sexual Harassment Grievance Procedures may be temporarily extended for good cause by Title IX Coordinator or a designee. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disability; and other circumstances outside of the institution's control. The Title IX Coordinator or a designee shall notify the parties in writing when a timeframe is extended.

17.11 Additional Information

Inquiries about these Title IX Sexual Harassment Grievance Procedures may be directed to the Title IX Coordinator or the United States Office for Civil Rights.

17.12 Other Procedures

To the extent that they do not conflict with any requirements of these Title IX Sexual Harassment Grievance Procedures and are implemented equally and fairly as to the parties, the Title IX Team may use processes from the College sexual harassment and sexual misconduct processes outlined in this Student Handbook when processing Title IX Sexual Harassment reports and complaints. If the College intends to use any such processes in addressing Title IX Sexual Harassment reports or complaints, the Title IX Coordinator or designee will make available written administrative procedures supplementing these Title IX Sexual Harassment Grievance Procedures and detailing the additional procedures to be used.

Additional Information

18. Office for Civil Rights

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

19. Pregnancy and Pregnancy Related Conditions

Triton College strictly prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from these conditions. The College will not exclude you from any classes or activities based on your pregnancy or related condition.

The College understands that balancing academics with pregnancy or parenting obligations can be challenging. As such, pregnant students have the right to reasonable accommodations that enable them to continue their education without disruption. These accommodations may include:

- Flexibility with attendance policies (including time away to attend medical appointments);
- Flexibility with class schedules (including breaks to eat, drink, or use the restroom);
- Access to facilities necessary for lactation (other than a bathroom) and breaks during class periods to express milk or breastfeed;
- Counseling services;
- The ability to sit, stand, or carry or keep water nearby;
- Access to online or homebound instruction;
- Extensions of time for coursework and rescheduling of tests and examinations;
- Temporary voluntary leaves of absence;
- Access to make-up work and assignments;
- Reasonable and available physical modifications to campus facilities for accessibility (including elevator access); and
- Access to seating arrangements that accommodate physical comfort (for example, access to a larger desk or a footrest).

You have the right to accept or decline any modification offered by the College in relation to your pregnancy or related condition.

If you believe you have experienced discrimination based on pregnancy or related conditions, or if you have been subjected to sex-based harassment, you have the right to file a complaint, which will be handled promptly and investigated according to the investigatory policy, above.

GENERAL GRIEVANCE PROCEDURES

All other allegations of discrimination or harassment that do not fall within the scope of Title IX will be investigated under the relevant Human Resources or Code of Conduct policy



Triton College

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Triton College is an Equal Opportunity/Affirmative Action institution