



SOUTH  
SUBURBAN  
COLLEGE

**PREVENTING SEXUAL  
VIOLENCE IN HIGHER  
EDUCATION  
(P.A. 99-426)**

***SOUTH SUBURBAN COLLEGE SUPPORTS THE  
PURPLE RIBBON PROJECT***

***The use of the purple ribbon is a unifying symbol of courage,  
survival, honor and dedication to ending domestic violence.***

*Last Updated: 08/16/24*

## Important Terms & Definitions

---

**Confidential:** Entrusted with private or restricted information

**Consent:** Consent is a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one's responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age and have the capacity to reasonably understand the nature of their actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of fear, duress (unlawful pressure exerted upon a person to coerce that person to perform an act that they ordinarily would not perform), threats (spoken or written words tending to intimidate or menace others) or violence (abuse of force).

Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent. South Suburban College deems that sexual activity ceases immediately when consent is withdrawn.

**Domestic Violence:** According to the Department of Justice, 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 has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the 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.

**Dating Violence:** The Department of Justice defines "dating violence" as 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; and the frequency of interaction between the persons involved in the relationship.

**Incapacitation:** The inability to provide consent or stop what is happening because the person has significant impairments to perform a specified act or function (i.e. say "no" to engaging in a sexual act). Behaviors that may indicate incapacitation include but are not limited to: slurring words, inability to walk or stand, disorganized thinking, inability to answer simple questions correctly (i.e. current location, day of week), nausea and/or vomiting, passed out, asleep.

It would also provide the opportunity to explain how incapacitation is evaluated - i.e. did the initiator of sexual activity know or should they have known about the incapacitation. From Ruth (TA)

**Rape:** Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration initiated against one or more individuals without the consent of those individuals. The act may be carried out by physical force, coercion, abuse of authority or against a person who is incapable of valid consent, such as one who is unconscious, incapacitated or below the legal age of consent.

**Retaliation:** Any act of reprisal, including negative or otherwise unwarranted treatment related to the reporting of, or participation in a complaint of sexual assault, dating violence domestic violence or stalking.

**Sexual Assault:** Any form of non-consensual sexual activity. Sexual assault includes all unwanted sexual acts that range from fondling to attempted rape or rape. Rape is defined as 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. Sexual assault also includes sex with minors, sex between a minor and a person who is 18 years or older and holds a position of authority over the complainant, and sex with a person who is unable to understand the nature of the act or is unable to give consent.

SSC believes – unconditionally – that sexual assault is unacceptable under any circumstance.

**Sexual Harassment and Discrimination:** To view South Suburban College’s Board of Trustees’ Sexual Harassment & Discrimination Policy 410.01, please click here. (direct link if possible?)

**Stalking:** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety of others or to suffer substantial emotional distress. Stalking may be comprised of legal and illegal behaviors that occur over time and harassing in nature because of their content, frequency, and unwelcome nature.

Stalking behaviors may include but are not limited to acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

**Title IX:** Title IX of the Higher Education Act promises equal access to education for all students and it protects them against discrimination on the basis of sex. Title IX was enacted to ensure: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX obligates recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims.

**Title IX Coordinator** Devon Powell, Vice President, Student & Enrollment Services

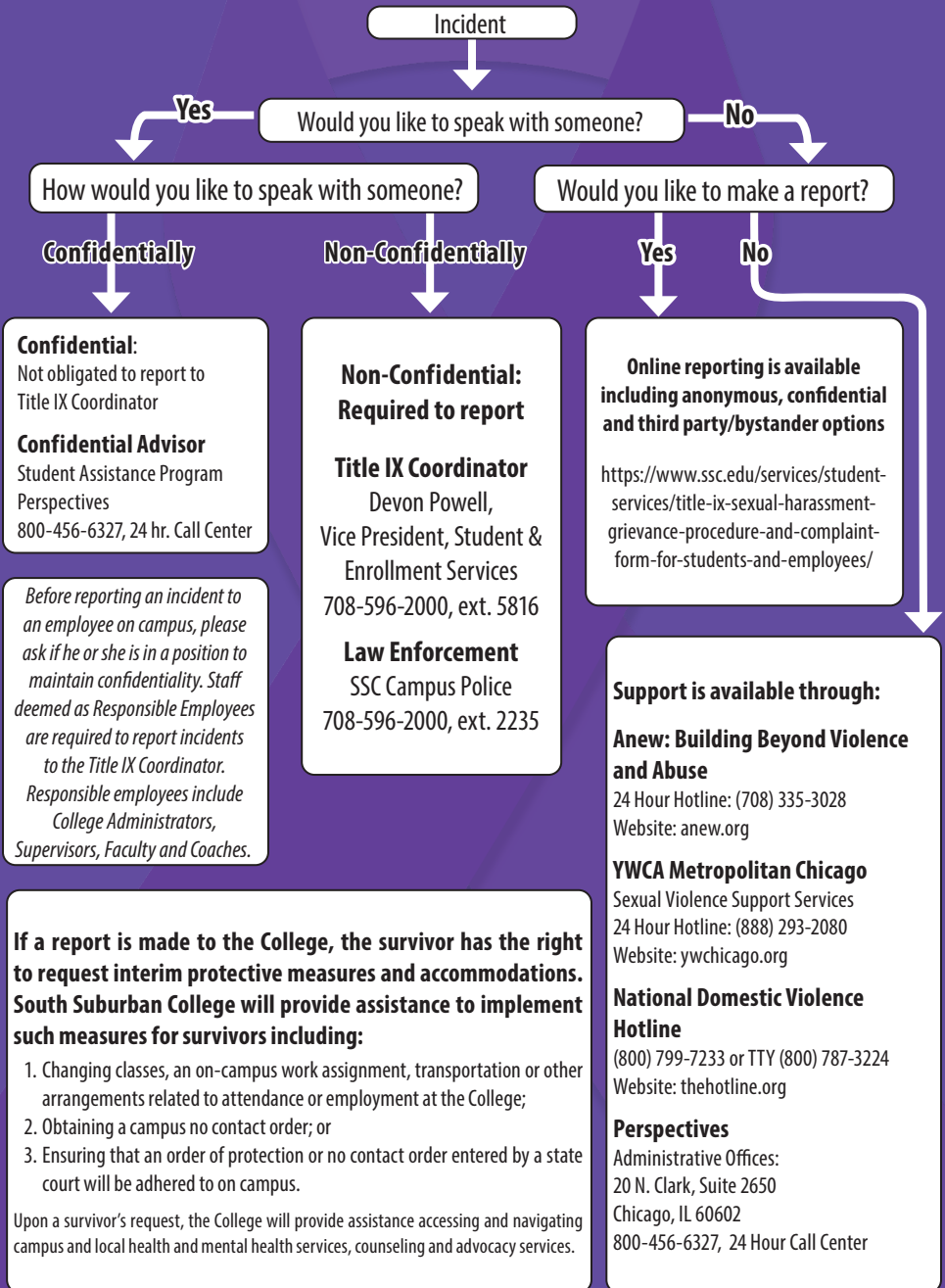
(708) 596-2000, ext. 2235

To learn more about SSC’s Title IX Grievance Procedure or to access a complaint form, please click on the following link:

Title IX Sexual Harassment Grievance Procedure and Complaint Form for Students & Employees | South Suburban College (ssc.edu)

# SEXUAL ASSAULT REPORTING AND SUPPORT OPTIONS

You can speak with anyone at any time. Reporting is always an option. Choosing one route does not exclude other options. You should pursue whatever routes will be the most helpful to recovery.



# **SURVIVORS RIGHT TO REPORT**

## **Violation of the Student Code of Conduct relating to Gender-Based or Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking**

### **A Survivors Right to Report**

A person who believes he or she has been subjected to, witnessed, or has knowledge of gender-based or sexual misconduct may file a complaint through the Title IX Office.

The complainant has the right to report or not report a violation of Title IX.

\*There is immunity for students who in good faith report on alleged violation of the comprehensive policy to a “responsible employee,” providing that the reporting student will not receive a disciplinary sanction for a student conduct violation (such as underage drinking) revealed in the course of reporting, unless the violation was “egregious” (e.g., an action that places the health or safety of another person at risk).

\*A person cannot consent to sexual activity if unable to understand the nature of the activity or give knowing consent. This includes circumstances where the person is incapacitated due to drugs or alcohol, asleep or unconscious, or incapacitated due to a mental disability.

**You can speak with anyone at any time. Reporting is always an option. Choosing one route does not exclude other options. You should pursue whatever routes will be the most helpful to recovery.**

# TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE AND COMPLAINT FORM FOR STUDENTS & EMPLOYEES

In accordance with the statutory provisions included in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and all other applicable federal and state laws, South Suburban College shall not discriminate, nor tolerate discrimination or harassment, on the basis of a person's race, color, religion, sex, national origin, age, marital status, sexual orientation, disability or any other factor as prohibited by law, rule or regulation. South Suburban College is committed to equal rights and will take the necessary steps to ensure that staff and students may work, learn, and study in an environment free from discrimination, sexual harassment, sexual violence or other harassment based on sex. All forms of illegal harassment and discrimination infringe upon mutual respect in all relationships, have the potential to result in serious harm to staff and student success, and shall not be tolerated by any employee, faculty, staff, student or community member at South Suburban College.

College Title IX policies and procedures have been instituted to prevent sexual harassment. These policies and procedures provide for the review, investigation and resolution of complaints. All individuals who suffer or witness behavior or actions that may be discriminatory or harassing shall make a report to the Title IX Coordinator. All complaints of sexual harassment will be handled with the maximum confidentiality possible. Findings of sexual harassment may result in discipline, up to and including suspension or termination, of a College employee, and discipline, up to and including suspension or dismissal, of a College student.

South Suburban College strictly prohibits retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual harassment. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed in the most serious way by South Suburban College, and individuals who engage in such actions are subject to discipline, up to and including suspension, exclusion, or dismissal from the College, consistent with South Suburban College policies, procedures and employment practices. South Suburban College will ensure a prompt, fair and impartial process from the initial investigation. All aspects of the investigation will be conducted by individuals who have met training criteria. Anyone who suffers from, or is aware of, possible retaliation in response to a complaint of sexual harassment, sexual violence or any form of harassment based on sex, should report such concerns to the Title IX Coordinator, who shall take appropriate actions to address the claims.

## **Sexual harassment complaints shall be made to:**

Title IX Coordinator  
Devon Powell  
Vice President, Student & Enrollment Services  
South Suburban College  
15800 South State Street  
South Holland, IL 60473  
708-596-2000, ext. 5816  
dking@ssc.edu

## **Prohibited Behavior**

---

The College prohibits discrimination on the bases of age, disability, national origin, ancestry, race, color, religion, creed, sex, sexual orientation, or marital status, sexual harassment, sexual violence, or other harassment based upon sex. Further, the College prohibits retaliation for having made a prior discrimination, sexual harassment, or sexual violence complaint.

Title IX defines sexual harassment to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

- Any instance of quid pro quo harassment by a school's employee;
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;
- Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Allegations of sexual harassment may be based on conduct that occurs on College property, off College property, or outside a College education program or activity if the alleged behavior affects the College environment or likelihood of student or employee success. All members of the College community may report incidents of sexual harassment. South Suburban College investigates all allegations of sexual harassment.

### **Title IX Definitions:**

---

**Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Third Party** – any individual that has knowledge or has witnessed sexual harassment.

**Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**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 school investigate the allegation of sexual harassment. 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 school with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the school.

**Document Filed by a Complainant** – a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

**Supportive Measures** – individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Title IX Sexual Harassment Grievance Process**

---

Any individual who believes in good faith that he or she has been subjected to sexual harassment may file a complaint without fear of violence, retaliation or discipline. The College will complete a prompt investigation as set forth below, following notice of a complaint. Any individual (Complainant or third party) has the option to report allegations of sexual harassment to the Title IX Coordinator. Any individual can also report allegations of sexual harassment to law enforcement and pursue a criminal action during the South Suburban College investigation. South Suburban College will not delay its own investigation merely because there is a simultaneous criminal investigation.

### **Step 1 – Filing a Complaint**

Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are encouraged to file complaints through the Sexual Harassment Complaint Form online through the South Suburban College website. All complaints must be signed and dated by the reporting individual. The signed Complaint Form may be submitted in person, by email or by mailing to the address listed above to the Title IX Coordinator.

The Title IX Coordinator shall contact the Complainant promptly to offer supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. Supportive measures are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

If the allegations in a formal complaint do not meet the definition of sexual harassment or did not occur in the school's education program or activity against a person in the United States, South Suburban College must dismiss such allegations for purposes of Title IX. However, the complaints may be referred for consideration under the Student Code of Conduct or employee grievance procedure.

The Title IX Coordinator shall notify the Respondent of the complaint promptly and provide written notification of the allegations to both parties that includes the steps of the complaint process.



## Step 2 – Investigation Process

Upon notification, the College will conduct a thorough investigation within a reasonable amount of time in relation to the Formal Complaint. The investigatory time period may be extended by the Title IX Coordinator for justifiable reasons or by mutual consent of all involved parties. The Complainant and the Respondent shall be informed in writing of any time extensions.

Throughout the investigation, the parties shall have the following rights:

- equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- no restrictions related to discussing the allegations or gather evidence (e.g., no “gag orders”).
- equal opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- written notice of any investigative interviews, meetings, or hearings.
- to receive all evidence directly related to the allegations, in electronic format or hard copy, sent to both parties and advisors, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- to receive all investigative reports, sent to both parties and advisors, that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- dismissal of allegations of conduct that do not satisfy the definition of sexual harassment or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the College deems appropriate.
- Petition to withdraw the complaint, in writing (Complainant only) to the Title IX Coordinator stating that the Complainant desires to withdraw the formal complaint or allegations therein. If the Respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination, the school shall so advise the parties.
- Written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal (both parties).
- Protection of the privacy of a party’s medical, psychological, and similar treatment records unless the College obtains the party’s voluntary, written consent to do so.

The investigation process includes collection of documents, witness statements, and other provided evidence from the Complainant and Respondent.

### **Step 3 – Live Hearing with Cross Examination**

The College Title IX grievance process provides for a live hearing. At the live hearing, the decision-maker permits each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Any 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. At the request of either party, the entire live hearing (including cross-examination) may occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Only relevant cross-examination and other questions may be asked of a party or witness and the decision maker shall determine the relevance of each question prior to an answer being given. If a party does not have an advisor present at the live hearing, the College will provide, without fee or charge to that party, an advisor of the College's choice to conduct cross-examination on behalf of that party. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. An audio or audiovisual recording, or transcript, of any live hearing is mandated under Title IX.

The live hearing process and Title IX provides rape shield protections for Complainants deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.

### **Step 4 – Written Findings**

Upon completion of the hearing, the Decision Maker shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination will be sent simultaneously to the parties along with information about how to file an appeal. All final determinations made by the Decision Maker will utilize the preponderance of the evidence standard.

### **Step 5 – Right to Appeal**

The Complainant or the Respondent may appeal the determination regarding responsibility, and from the College's dismissal of a formal complaint or any allegations on the following basis: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter. The appeal must be submitted in writing addressed to the Title IX Coordinator that the College President, or his or her designee, review the matter on appeal. The written request must be made within ten (10) days of the Step 4 Decision Maker Written Findings. If no Step 5 written request to appeal is received within the ten (10) days, the College will deem the investigation and case concluded and shall implement any recommendations or corrective actions.

## **Informal Resolution Option**

---

The College, in its discretion, may choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Informal Resolution Rights include:

- Freedom from any condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- Voluntary participation in an informal resolution process.
- Informal resolution option in response to a filed formal complaint.
- 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.

Informal resolution options shall not be available when allegations include that an employee sexually harassed a student.

**This is Success.**



**SOUTH SUBURBAN COLLEGE**  
ssc.edu