

Internal Governing Policies

#185 - Sexual Assault, Abuse and Misconduct

Approved: June 24, 2013 (effective August 15, 2013)

Nomenclature changes: January 12, 2015

Monitor: Vice President for Student Affairs

Eastern Illinois University is committed to providing the safest campus possible for our students, faculty and staff. Sexual assault, abuse or other sexual misconduct including domestic violence, dating violence, and stalking is prohibited and will not be tolerated. The university continually endeavors to prevent sexual assault by providing training and educational materials to all students and employees, and by thoroughly investigating complaints of assault. Sexual assault is a crime and complaints will receive serious and immediate attention. Once a complaint is received, the first step taken by University personnel will be to ensure that the complainant is safe and protected from harm.

The University understands that a complainant may need a support person to accompany them on campus and students and employees will be provided with contact information for various on-campus and off-campus resources. In addition to the applicable [legal definitions of sexual assault](#), the definition of sexual misconduct defined by the University in the [Student Conduct Code](#) is "any physical act of a sexual nature, committed under duress or by force, or without the consent (a freely given, knowing agreement) of the individuals involved. Consent is deemed incapable of being given if the person's physical, and/or mental control is markedly diminished as the result of alcohol, other drugs, illness, injury, or any other reason."

Consent

Consent must be given each time parties engage in sexual activity. Consent given on a prior occasion does not indicate future consent.

Consent is defined as a freely given agreement to the act of sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.

A person who initially consents to sexual conduct is not deemed to have consented to any sexual conduct that occurs after he or she withdraws consent during the course of that sexual conduct.

Filing a Complaint

The complainant controls when and where to file a complaint. (In rare circumstances, the University may be required to proceed with an investigation without the cooperation of the complainant if failing to do so would put the greater campus community at risk.) There are multiple options available and complaints may be filed in any, all or none of the appropriate departments listed below. In addition, complainants are encouraged to contact the Assistant Director of Counseling/Sexual Assault Prevention and Intervention at (217) 581-3413 in the EIU Counseling Center who will assist in coordinating the filing of complaints to decrease the burden on the complainant.

Whenever possible, the offices and departments listed below will share fact-finding information so that the complainant is not required to unnecessarily recount factual allegations multiple times to different investigators. The identity of the parties will remain as confidential as possible

and in the event of a Freedom of Information Act Request for reports or information, the University will invoke all applicable exemptions which protect the identities of parties.

Complaints regarding violations of this policy may be filed in the following offices or departments:

[The University Police Department \(UPD\)](#)

Location: 7th and Grant (directly east of the University Union)
Phone: 581-3212 (911 if an emergency)
Hours: Department is open daily until 4:30 p.m.; officers are on duty 24 hours.

UPD provides professional law enforcement services to the campus community. They can receive, process, and investigate complaints of sexual assault and then forward information to the Coles County State's Attorney for appropriate action if the complainant wishes to pursue a criminal complaint.

[The Office of Student Standards](#)

Location: University Union – Lower Level
Phone: 581-3827
Hours: Office is open M-F from 8 a.m. to 4:30 p.m.

The Office of Student Standards enforces the requirements of the Student Code of Conduct and, through its board or administratively, issues sanctions for violations of the code including violations of the sexual misconduct provision. The Director is also a Title IX Deputy Coordinator. Once a complaint is received, the Office of Student Standards will collect information and determine whether to proceed administratively or whether to send the matter to a board hearing (the more likely outcome). The board will receive testimony from witnesses and will review applicable evidence or documentation. The board uses the "preponderance of the evidence" standard. Click [here to view their procedures](#).

[The Office of Civil Rights and Diversity](#)
[Title IX Coordinator](#)

Location: 1011 Old Main
Phone: 581-5020
Hours: Office is open M-F from 8 a.m. to 4:30 p.m., and by appointment.

The Office of Civil Rights and Diversity investigates complaints of sexual harassment according to the [sexual harassment policy](#). A single instance of sexual assault can also violate the University's sexual harassment policy. This office reviews and investigates allegations of sexual assault to the extent that such an act would violate the sexual harassment policy and/or Title IX. Once a complaint is received, witnesses are interviewed and evidence is examined. An investigative report with conclusions and recommendations is issued to the appropriate vice president usually within sixty days. This office uses the "preponderance of the evidence" standard. The complainant or the accused person can appeal the findings to the University president.

Complainants are encouraged to take reasonable steps to preserve evidence by seeking immediate police and medical assistance in the event of an assault. In addition to physical evidence, notes, electronic messages and phone records are examples of evidence that should be preserved.

Discipline

The offices listed in this policy, and the appropriate vice president, are authorized to implement temporary actions such as reassignment of the accused person from a class or residence hall

while the case is pending. Such actions are non-punitive and are designed to ensure the safety of the complainant and the integrity of the investigative process.

The UPD and the Vice President for Student Affairs are authorized to restrict (ban) individuals from participating in campus activities or from being on campus property. The Office of Student Standards and the Civil Rights Office can recommend various sanctions to the Vice President for Student Affairs or other appropriate vice presidents. Sanctions can range from reprimands to suspension or expulsion from the University. Complainants will be kept informed of the process and are encouraged to participate to the extent they feel comfortable. Complainants are entitled to know the outcome of the Student Standards process pursuant to the Clery Act, and students are informed of the outcome of Civil Rights sexual harassment investigations.

Training and Educational Materials

The University is committed to ongoing awareness of sexual assault and misconduct issues for members of the campus community. All new students and new employees are required to complete training on preventing sexual and interpersonal violence.

The University maintains several programs designed to eliminate sexual assault and misconduct including: RAD (Rape Aggression Defense), Alcohol EDU, specialized training for resident assistants, campus workshops on sexual assault and bystander training, and other programs for student-athletes and fraternity and sorority members.

Conclusion

It is the responsibility of all members of the campus community to create a campus free of sexual violence. Victims or witnesses of sexual assault are encouraged to come forward with the assurance that complaints will be taken seriously, and great care will be taken to ensure that victims are protected and receive appropriate attention and services. For a complete list of services and additional information regarding sexual assault please visit the [EIU Sexual Assault Resource Guide](#).

Additional Resources:

[Sexual Assault Counseling and Information Services \(217\) 348-5033](#)

[EIU Health Service \(217\) 581-2727](#)

[Local Hospital – Sarah Bush Lincoln Health System \(217\) 348-2525](#)

[Charleston Police Department \(217\) 348-0660](#)

[Coles County Victim Advocate \(217\) 348-0561](#)