

## Internal Governing Policies

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### #185 - Sexual Assault, Abuse and Misconduct

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**Approved:** October 29, 2018

**Monitor:** Vice President for Student Affairs

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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. For additional information regarding these resources please visit the University's [Sexual Assault Resources website](#).

#### **Consent**

Consent is defined as a freely given agreement to participate in sexual activity. Consent must be given each time parties engage in sexual activity. Consent given on a prior occasion does not indicate future consent.

Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force does 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. A person's consent to engage in sexual activity with one person does not constitute consent to engage in activity with another. Consent can be withdrawn at any time. Consent cannot be given when a person is unable to understand the nature of the activity or cannot consent based on circumstances including but not limited to:

1. Incapacitation due to the influence of drugs or alcohol;
2. The person is asleep or unconscious;
3. The person is not of legal age to consent; or
4. The person is incapacitated due to a mental disability.

## **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 Clinic 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. Because the University is required to address actions that put students or the campus at risk of harm, there may be instances where it is not possible to maintain complete confidentiality. University Police, the Office of Civil Rights and Diversity, and the Office of Student Standards may require that the complainant's name is revealed to witnesses or the accused. Investigations are kept as confidential as possible, and each office or department will take steps to inform the accused and witnesses of the need for continuing confidentiality.

Each office listed below will interview and assist complainants, identify and locate witnesses, interview the accused person, cooperate with law enforcement when applicable, provide information regarding the preservation of evidence and the availability of a medical forensic examination at no charge to the complainant.

Each office will also provide complainants with a written statement concerning the complainant's rights and options at the time a complaint is made.

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

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

Location: 7<sup>th</sup> 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 pursuant to the Illinois Criminal Code, 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](#)

#### [Deputy Title IX Coordinator](#)

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. [Please click here to view the University’s Discrimination Complaint Procedures](#).

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.

In addition, the following reporting options are available to students, third parties and bystanders:

1. Electronic reporting – Reports may be filed electronically by contacting the email addresses of the offices listed in this policy, or by completing the online form with UPD found [here](#).
2. Anonymous reporting – Reports may be filed with the UPD [anonymous tip line](#).
3. Confidential reporting – Persons seeking to have reports kept as confidential as possible can contact the Confidential Advisor listed below.

#### **Procedures**

Complaints regarding a violation of this policy shall be addressed according to the University’s Sexual Assault, Abuse and Misconduct Complaint Policy. Students who report violations of this policy in good faith are immune from discipline regarding minor conduct violations (such as underage drinking) that may be discovered during an investigation unless the violation is egregious or places the health or safety

of others at risk. Students who report violations or participate in an investigation are also protected from retaliation.

### **Discipline**

The offices listed in this policy, and the appropriate vice president, are authorized to implement temporary actions including reassignment of the accused person from a class or residence hall while the case is pending, changes to academic, dining, transportation, and working situations, issuing campus no-contact orders, and honoring judicial orders of protection. 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.

### **Confidential Advisors and Reporting**

Whether or not a complaint is filed, a student may also contact the University's Counseling Clinic within the Department of Health & Counseling Services and speak to a confidential advisor at any time.

[EIU Counseling Clinic](#) within the Department of Health & Counseling Services

Location: Human Services Building

Phone: 581-3413

Hours: Office is open M-F 8 a.m. to 4:30 p.m.; after hours calls accepted by calling 581-3413 (follow prompts).

The Counseling Clinic within the Department of Health & Counseling Services has trained counselors available to provide emergency and ongoing support to survivors of sexual violence. They can assist with questions regarding sexual assault, and they can provide information regarding available resources. Confidential reporting means that the information provided to the confidential advisor will be maintained by the advisor in confidence, and the student's name or other identifying information will not be shared with any person or department other than, in limited circumstances the University's legal counsel, unless the student consents to the disclosure of his or her name. In the event that there is substantial risk of ongoing harm to the student, the campus community or the general public, the advisor may share information only as necessary to prevent such future harm.

### **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, Haven: Understanding Sexual Assault, 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, 1505 18th St. Suite #2, Charleston, Illinois \(217\) 348-5033](#)

[EIU Medical Clinic within the Department of Health & Counseling Services \(217\) 581-3013](#)

[Local Hospital – Sarah Bush Lincoln Health System, 1000 Health Center Dr., Mattoon, Illinois \(217\) 348-2525](#)

[Charleston Police Department \(217\) 348-5221](#)

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

[HOPE Domestic Violence Shelter \(217\) 348-5931](#)