

## Internal Governing Policies

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### #185.1 - Sexual Assault Complaint Policy

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**Approved:** August 1, 2016

**Monitor:** President

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#### **STATEMENT OF PURPOSE**

Eastern Illinois University is committed to providing prompt and equitable remedies for complaints of sexual assault, abuse or misconduct. The University strives to implement best practices and to ensure that sexual assault policies and procedures comply with federal and state laws.

#### **DISCUSSION AND RESPONSIBILITIES**

Any member of the University community who believes he/she has either been the victim of sexual assault, abuse or misconduct or who has witnessed such behavior is encouraged to file a complaint with the University. In addition, sexual assault survivors should also consider filing a criminal complaint with the University Police Department or local law enforcement.

No retaliation may be taken against any employee or student of the University who seeks redress under this policy. Retaliatory action shall be regarded as a separate and distinct cause of complaint.

The confidentiality of information presented by all parties will be observed except in those instances when it interferes with the ability of the University to investigate the allegation(s) and take necessary corrective action.

Because sexual misconduct may violate multiple University policies including Internal Governing Policies #185 (Sexual Abuse), #175 (Sexual Harassment) and #75 (Student Conduct), complainants may file a complaint with either the Office of Civil Rights and Diversity or the Office of Student Standards. The Director of the Office of Student Standards is a Deputy Title IX Coordinator and may conduct sexual misconduct investigations or hold hearings in coordination with the Title IX Coordinator.

#### **[The Office of Civil Rights and Diversity](#)**

Shawn Peoples, Ph.D., [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 University policy and/or Title IX.

### [The Office of Student Standards](#)

Heather Webb, Ph.D., [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 Student Code of Conduct and, through its board or administratively, issues sanctions for violations of the code including violations of the sexual misconduct provision. 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. Click [here to view their procedures](#).

### **PROCEDURES**

1. Upon receipt of a complaint of sexual assault or misconduct, the complainant may request, and the University will provide, a prompt and timely resolution process.
2. Each office shall use a preponderance of the evidence standard to determine whether a violation has occurred.
3. Whenever possible, the offices will share fact-finding information so that the complainant is not required to unnecessarily recount factual allegations to different investigators. In addition, in the event of a conflict, recusal or absence, staff members from each office are available to assist as needed in order to provide staff redundancy.
4. Prior to the initiation of an investigation, the complainant and respondent shall be notified which vice president has authority to implement sanctions, and either party may request a substitution of the vice president in the event of a conflict of interest.
5. The complainant may request an interim measure and/or accommodation pending the resolution of the complaint. Such requests can be made in either the Civil Rights and Diversity Office or the Office of Student Standards.
6. The complaint resolution process must be conducted in a manner that protects the privacy of participating parties and witnesses.
7. The complainant and the respondent shall have the opportunity to present witnesses and evidence during the resolution process.
8. The complainant and the respondent may not directly question one another, but may submit questions to an appropriate staff member or board member who will determine whether to pose the question to the other party.

9. The complainant and the respondent may have an advisor of their choice accompany them to any meeting or proceeding throughout the complaint resolution process provided that the inclusion of the advisor does not result in undue delay. Advisors must comply with all university rules and decorum.
10. The complainant and respondent may not be compelled to provide testimony in a hearing at which the other party is present. Accommodations must be made to permit either party to hear the other party's testimony.
11. The complainant and the respondent shall receive written notification (including via electronic delivery) of the results of the complaint resolution process within seven (7) days of the decision and shall be informed of their right to appeal.
12. APPEAL – The complainant and the respondent may timely appeal the results of the findings or sanctions if the party alleges that (i) a procedural error occurred, (ii) new evidence exists that would substantially affect the outcome of the finding, or (iii) the sanction is disproportionate to the outcome.
13. The identity of the complainant or respondent shall not be disclosed except as necessary to resolve the complaint, to implement interim protective measures or accommodations, or as provided by state or federal law.

#### **TRAINING REQUIREMENTS**

Professional staff members in the Office of Civil Rights and Diversity, the Office of Student Standards, members of the University Police Department, and others who are involved with sexual assault complaint resolution must receive at least 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, stalking and complaint resolution.