Members of the Harper College community, guests, and visitors have the right to be free from gender-based or sexual misconduct (including sexual violence) as further defined below. This guide is provided to educate the campus community about what types of behaviors constitute gender-based or sexual misconduct. Violations of the policy may occur between individuals or groups of individuals of any sexual orientation or actual or perceived gender identity.

**DEFINITIONS AND EXAMPLES OF MISCONDUCT**

Forms of gender-based or sexual misconduct include:

a) **Sexual Harassment:** Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from a Harper College educational program or activity.

b) **Non-Consensual Sexual Contact:** Any intentional sexual touching, however slight and with any object or body part, that is without consent (as defined below) and/or by force or coercion. This includes intentional contact with breasts, buttocks, groin, mouth, or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.

c) **Non-Consensual Sexual Intercourse:** Any sexual penetration or copulation, however slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes anal or vaginal penetration by a penis, object, tongue, or finger, and oral copulation (mouth and genital/anal contact), no matter how slight the penetration or contact.

d) **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of an individual to benefit anyone other than the person being exploited. Examples include: invading privacy, video or audio recording of sexual acts without consent, knowingly transmitting a Sexually Transmitted Infection (STI), sexually-based stalking or bullying, or exposing one’s genitals.

e) **Other Gender-Based Misconduct:** Physical harm, extreme verbal abuse, or other conduct that threatens the health or safety of any person on the basis of actual, expressed, or perceived gender identity, including:

   a. **Discrimination:** actions that deprive others of access, benefits, or opportunities based on irrelevant criteria
   
   b. **Hazing:** acts likely to cause physical or psychological harm or social exclusion or humiliation
   
   c. **Bullying:** repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or degrade another person physically or mentally
   
   d. **Intimate Relationship Violence:** violence between those in a sexual and/or comparably personal and private relationship
   
   e. **Stalking:** repetitive and/or menacing pursuit, following, harassment, or other interference with the peace and/or safety of another person or that of his or her immediate family members

(This information is adapted from the ATIXA Gender-Based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011).
**WHAT IS CONSENT?**

**Consent** is defined as permission to act. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and the conditions of) sexual activity. Consent must meet all of the following standards:

- **Active, not passive.** Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent.
- **Given freely.** A person cannot give consent under force, threats, or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he/she does not want to engage in the behavior.
- **Provided knowingly.** Legally valid consent to sexual activity cannot be given by:
  - A person under the legal age to consent (17 years old in Illinois), or
  - An individual who is known to be (or based on the circumstances should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.
- **Specific.** Permission to engage in one form of sexual activity does not imply permission for another activity. In addition, previous relationships or prior consent do not imply consent to future sexual acts. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent may be requested and given several times by multiple parties during a sexual encounter involving multiple acts.

(This information is adapted from the ATIXA Gender-Based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011.

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**TITLE IX COMPLIANCE**

As the College is concerned about discrimination based on gender or sex, the Title IX Coordinator(s) oversee the College’s investigation and response to these kinds of situations. Students who wish to report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to:

Ashley Knight  
Dean, Student Affairs  
William Rainey Harper College  
1200 W. Algonquin Road, M219  
Palatine, Illinois 60067  
847-925-6846

Lynita Gebhardt  
Employee Relations Manager  
William Rainey Harper College  
1200 W. Algonquin Road, A319  
Palatine, Illinois 60067  
847-925-6124

Students with complaints of this nature also have the right to file a formal complaint with the United States Department of Education:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline: (800) 421-3481  
TDD: (877) 521-2172  
Facsimile: (202) 453-6012  
Email: OCR@ed.gov  
Web: http://www.ed.gov/ocr
As Harper College is very concerned about incidents of gender-based or sexual misconduct and acknowledges that each person experiences and responds in differing ways, there are a variety of formal and informal options for support. Please review the information pertaining to your options for support, assistance, and reporting so that you can make an informed decision based on your personal needs. Your needs may change over time, so please also know that you may choose to utilize different forms of response at different times.

If you have experienced any act of sexual misconduct, our first concern is for your safety and well-being. Harper College offers some on-campus resources to assist students who may have been affected by sexual violence or sexual misconduct. Additional services are available off-campus through local communities. Individuals are encouraged to utilize any and all on-campus and community resources that may be of assistance to them.

Safety Concerns:
If you are concerned about your safety while walking to class or your workplace, you may wish to utilize the campus escort service, available 24/7 by calling Harper College Police Department at 847-925-6330.

On-Campus:
If you are not sure if you would like to proceed with formal action (i.e. filing a police report or reporting it to the College), there are informal support options for you while you make that determination. Health and Psychological Services can be a good place to start if you are not sure where to go, and the Women’s Program can be helpful if you have already addressed some of your immediate concerns but are looking for additional resources to support you. Both of these are confidential resources:

Health and Psychological Services          A324     847-925-6268
Women’s Program                            A347     847-925-6558

Employees may contact the Employee Assistance Program (EAP) for access to confidential resources.

Off-Campus/Community:
The following resources are not managed by Harper College but may be helpful to you, especially in assisting you with a variety of needs that you may have beyond your campus experience.

Palatine:            Women in Need Growing Stronger (WINGS)  847-221-5680
                      www.wingsprogram.com
Rolling Meadows:   Between Friends                    800-603-HELP (4357)
                      www.betweenfriendschicago.org
Rolling Meadows:   Salvation Army Domestic Violence Project  847-506-2060
Des Plaines:        Lifespan                           847-824-4454 (English/ Spanish)
                      847-824-1158 (Polish)
Elgin:              Community Crisis Center          847-697-2380
                      www.crisiscenter.org
Arlington Heights:  Northwest Center Against Sexual Assault (CASA)  888-802-8890
                      www.nwcasa.org
Streamwood:         Safe from the Start               630-540-0549
                      www.cachelps.org
Chicagoland:       Apna Ghar: Specializing in Immigrant Communities  800-717-0757
                      http://www.apnaghar.org/
National:          National Domestic Violence Hotline:  800-799-SAFE (7233)
Individuals may choose to seek action or assistance both on-campus as well as through the surrounding community. If you would like to see action occur because of a person’s behavior, you may wish to report the misconduct at some level. Additional or interim remedies may also be provided concurrently and/or in lieu of an investigation or formal process. Mediation may only be used when mutually agreed upon by all involved parties and will not ordinarily be used to resolve complaints of sexual assault. The following situations are examples of reasons why you might choose to report an incident of misconduct:

- To seek formal action against someone, such as removing them from a class or campus, or having a warning on record
- To educate the person about their behavior, through use of the campus conduct or complaint process
- To confront the individual and make your voice heard about how you feel about what happened
- To make the College aware of the behavior in case it is part of a larger pattern
- To receive assistance in changing classes or other on-campus arrangements
- To receive support in coping with a situation

Please note that misconduct exhibited by a student is subject to and may be reported through the student conduct referral process. Misconduct exhibited by employees (faculty or staff) should be reported to Human Resources.

**Reporting Confidentially**

If you wish that your identity and the details of an incident be kept confidential, you may find it helpful to speak with on-campus mental health counselors, campus health service providers, or off-campus rape crisis resources or clergy members who can maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. You may wish to consider this option if you:

- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or campus disciplinary procedures
- Do not want the perpetrator to know that you are seeking help or support

NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or sexual abuse of a minor.

**Reporting to those who may maintain the privacy of what you share**

You can seek advice from individuals who are not required (but may still choose) to share your private, personally identifiable information unless there is cause for fear for your or another person’s safety. These individuals consist of those without supervisory responsibility or remedial authority to address sexual misconduct such as faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. As college employees may fulfill multiple roles, if you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and help you make decisions about who can help you best.

Please be aware that these individuals may choose to share your personally identifiable information if they feel they need to in order to best assist you. If information about your identity is shared, it will only be as necessary with as few people as possible, and all efforts will be made to protect your privacy. Please be aware that some of these individuals may need to report non-identifying information for statistical purposes. For example, advisors to student groups need to report if an incident occurred on
campus, but they not necessarily need to share your name or identity as part of that report. You may wish to consider this option if you:

- Are not sure if you want to pursue criminal or campus action, but have questions
- Would like your experience reflected in the annual statistics about incidents about crimes that occur on or near Harper’s campus
- Would like assistance in taking some action yourself, such as switching to a different section of an instructor’s course or seeing a different advisor
- Would like someone to help mediate a conversation between you and the other person

**Formal/Non-confidential reporting options**

As Harper College wishes to investigate and address gender-based and sexual misconduct, you are encouraged to make formal reports of incidents to designated campus officials (campus police, student conduct officer, human resources staff, deans, directors, or other administrators with supervisory responsibilities). Reporting to them is considered official notice to the institution. By reporting formally, you have the right to expect to have your report taken seriously by the institution and to have it investigated and properly resolved through administrative procedures. Formal reporting also means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, the accused individual(s) and advisor(s), or other such persons involved in the processes. Please be aware that if you file a formal report, your name and the relevant reported information will be known to the individual, and will appear in writing in the investigation report. This also means that the case may proceed to a student conduct hearing or other formal process through the college.

You may wish to consider this option if you:

- Would like formal action taken. Formal action can include things like assistance in obtaining a restraining order or order of protection, filing criminal charges, or the individual facing campus conduct or employment action if he/she is found responsible for violating college policy
- Would like the College to be aware of the situation in case it happens again

If you would like to learn more about the campus conduct process or what is involved in an investigation or formal report, please contact the Student Conduct Officer or the Dean of Student Affairs.

**Campus No-Contact Orders**

A campus no-contact order is a directive issued by a campus authority that prevents contact between parties or from one party to another. Such an order may be issued through the formal reporting process (i.e. Student Conduct or Human Resources) or under the direction of a Title IX Coordinator. This may apply to communications in-person, online, and other forms of contact, both on- and off-campus. It is important to note that this is different than a civil order, which is issued by a court. Campus no-contact orders may be issued as a sanction or outcome and may also be issued on an interim basis while an incident is under investigation or adjudication. It is important to note that the burden of proof for a campus no-contact order is often less than that required for a court issued order, and the consequences for violating it are also limited to action that can be taken by the College, such as an additional student conduct charge of failure to comply with a college official.
CIVIL ORDERS OF PROTECTION AND NO CONTACT ORDERS

The following information has been provided by the Harper College Police Department (HCPD). If you have other questions about civil orders of protection or no contact orders, please contact HCPD or your local police department. To obtain one of the orders below, contact the courthouse for the area in which you live.

Civil Orders of Protection

This is a court order that is designed to stop violent and harassing behavior and to protect you and your family from the abuser. They offer civil legal protection from domestic violence to both male and female victims, as well as minors. A civil order of protection can only be filed against certain persons with whom the petitioner has a special relationship: people who are married or formerly married, people who are related by blood, people who live together or formerly lived together, people who are dating or formerly dated, people who are engaged or formerly engaged, and people with disabilities who file against their caregivers. There are three types of orders: Emergency and Interim Orders of Protection provide temporary, short-term protection. A Plenary Order of Protection offers longer term protection.

Emergency Orders: An emergency order can be obtained based solely on your testimony to a judge. The abuser does not need to be present. The judge must be convinced that you are in immediate danger, or experiencing emotional distress, or else the judge may not grant the order. The emergency order will last until you can have a full hearing for a plenary order, usually within 14-21 days.

Interim Orders: An interim order offers you a bit more protection than an emergency order. You do not need to have a full court hearing to be granted an interim order. They are often used to protect you in between the time when your emergency order expires and your full court hearing takes place. However, your abuser or his lawyer must have made an initial appearance before the court OR the abuser must have been notified of the date of your court hearing, before you can be given an interim order. An interim order lasts up to 30 days.

Plenary Orders: A plenary order of protection can be issued only after a court hearing in which you and the abuser both have a chance to tell your sides of the story. It provides the most protection and the longest-term protection. A plenary order may last up to two years, and there is no limit on the number of times an order of protection can be renewed.

No Contact Orders

If you do not have a relationship with the offender, you may seek to obtain a “no contact order.”

A Civil No Contact Order (CNCO) is a civil “stay away” order for rape victims who do not have a relationship with the offender. Under a CNCO, the court orders the offender not to have any contact with the victim. A CNCO may last up to two years.

A Stalking No Contact Order (SNCO) is a civil “stay away” order for victims of stalking who do not have a relationship with the offender. Under a SNCO, the court orders the offender not to have any contact with the victim. A SNCO may last up to two years.

Any violation of the above orders is a criminal offense and a Class A misdemeanor (up to one year in jail) and a second offense or subsequent violation is a Class 4 felony (one to three years in jail and possible fines).

QUESTIONS?

Please contact the Dean of Student Affairs at 847-925-6846 or the Student Conduct Officer at 847-925-6483, for the most recent version of this Guide, as well as to ask questions about this document or any other questions pertaining to sexual misconduct or gender-based harassment.