

# Section 4 - Procedures

## **Notice to Illinois College**

Illinois College may receive notice of an allegation or potential violation of this or other related policies in a number of ways, including, but not limited to:

- The filing of an incident report with the appropriate College official, including self-reporting.
- Any Responsible Employee is made aware of any potential violation of this or other related policies.
- Any Responsible Employee observes any potential violation of this or other related policies.
- Any Responsible Employee is aware of an RSO's/GLO's climate or culture that may indicate a probability of violations of this or any other related policies.

## **Self-Reporting of Individual Misconduct and Amnesty**

RSO/GLO leadership are encouraged to immediately report any violations committed by members of the RSO/GLO of this or other College policies to the Dean of Students, Executive Director of Residential Life & Campus Safety, Director of Residential Life & Campus Safety and/or Public Safety. This report should provide a detailed description of the events that transpired, the names of any individuals involved, and a description of any internal disciplinary actions taken by the RSO/GLO.

If RSO/GLO chooses to self-report behavior in this manner, the Executive Director of Residential Life & Campus Safety or designee will only investigate the individual(s) implicated in the report. Unless information discovered in the investigation suggests that the incident was aided, abetted, sanctioned or organized by the RSO/GLO, the investigation will be limited to the individuals implicated in the self-report and not the RSO/GLO. However, if information is uncovered in the investigation that suggests that the RSO aided, abetted, sanctioned or organized the event, the Executive Director of Residential Life & Campus Safety or designee may launch a formal investigation of the RSO.

Students who make a complaint under this policy or who participate in an investigation related to this policy will not be charged with other minor College policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation as long as those behaviors do not represent a threat to the health, safety or well-being of others. Illinois College reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

## **Preliminary Inquiry**

Upon receiving notice of an alleged violation of this or other College policies involving a RSO/GLO, the Executive Director of Residential Life & Campus Safety (or designee), in consultation with the appropriate College departments, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of College policies. This initial assessment will include a review of the information reported. This may include, but is not limited to:

- interview(s) with the person(s) who made the report.
- review prior conduct history of the RSO/GLO and relevant members.
- gather information that would corroborate elements of the report.
- review of any materials related to the report.

Once a determination has been made that the alleged violations warrant a more comprehensive investigation or response, the Executive Director of Residential Life & Campus Safety or designee will notify the RSO/GLO in writing to outline the alleged violations, the resolution options based on alleged violations, and to schedule a meeting (if applicable). This notification will also be sent to RSO/GLO Advisor(s), and if applicable, the RSO/GLO inter/national governing body.

If the Executive Director of Residential Life & Campus Safety or designee determines that no investigation is necessary, the report is documented and administratively closed. The Executive Director of Residential Life & Campus Safety or designee may, at their discretion, notify the RSO/GLO of the information received and that the matter is closed. In these cases, the Executive Director of Residential Life & Campus Safety or designee may choose, at their discretion, to maintain the confidentiality of any reporting party(ies).

### **Interim Measures**

In cases where it is determined that certain continued operations of a RSO/GLO constitute a reasonable threat of harm to individuals, damage of College premises, or disruption to the educational mission of the College, the Executive Director of Residential Life & Campus Safety or designee may issue interim measures, up to and including an interim suspension of all RSO/GLO activities, pending final disposition of the matter. Upon issuance of an interim measure, the Executive Director of Residential Life & Campus Safety or designee will notify the RSO/GLO representative and other appropriate parties in writing.

If a RSO/GLO wishes to seek a review of these interim measures, the RSO must submit a written request for an administrative review to the Executive Director of Residential Life & Campus Safety or designee within three (3) business days of receiving the notice of interim measures. The Executive Director of Residential Life & Campus Safety or designee will respond within five (5) business days of the College's receipt of the request. This administrative review is not a hearing on the merits of the underlying allegations, but is merely a review to determine what, if any, interim measures are appropriate. The review may lead to a continuance, revocation, and/or modification of the interim measures, including modifications that may be more restrictive than the initial measures. The College will notify RSO/GLO leadership of the outcome of the review in writing within three (3) business days of the review meeting. This notification will include the College's decision and the rationale for that decision.

If the College investigation lasts beyond 30 days (as outlined below, beginning from the date of the Educational Conference), the RSO/GLO may request another review of the interim measures, which will be handled similarly to the initial request for review as outlined above.

### **Resolution Options**

Upon notice of a potential violation, the Executive Director of Residential Life & Campus Safety or designee will conduct an assessment of the allegations to determine the applicable resolution options available to address the alleged policy violations. The determination of resolution options will include consideration of the following:

- the severity of the alleged violations
- the risk of harm to other persons
- the conduct history of the RSO/GLO
- current status of the RSO/GLO
- any other relevant factors.

There are levels of process associated with resolving alleged violations of the *Illinois College Student Organization Code of Conduct*:

- Early Resolution
- Prescribed Resolution
- Partnership Process Resolution
- Formal Investigation

An Educational Conference will be used when the Partnership Process Resolution or Formal Investigation options are utilized. The Associate Dean of Students or designee may, at any time, determine that a case should be moved from a lower tier to a formal investigation.

### **Early Resolution**

In certain cases, there may be a determination by the Executive Director of Residential Life & Campus Safety or designee that there is insufficient evidence to proceed with an investigation, and/or the information collected, even if true, would not constitute a violation of policy. Early resolution is not a determination of responsibility and is not recorded as a prior determination of such.

However, if the behavior may constitute a violation of policies of inter/national governing bodies with which the RSO/GLO is affiliated, and the Executive Director of Residential Life & Campus Safety or designee is aware of this affiliation, the Executive Director of Residential Life & Campus Safety or designee may, at their discretion, forward the information to the appropriate body. In these cases, the Executive Director of Residential Life & Campus Safety or designee may choose to meet with the RSO/GLO representative and any other appropriate parties to discuss behavioral expectations. The Executive Director of Residential Life & Campus Safety or designee may suggest proactive educational and/or developmental measures designed to assist the RSO/GLO.

If the College receives additional information related to the matter that was resolved by early resolution, the Executive Director of Residential Life & Campus Safety or designee reserves the right to reopen the matter and proceed with investigation and adjudication.

### **Prescribed Resolution Process**

In certain cases, the Executive Director of Residential Life & Campus Safety or designee, in reviewing the allegations, may determine that the allegations constitute a violation of policy(ies), and these violations fall under Level 1 of the Violations Rubric. Violations that fall under Level 1 of the Violations Rubric have prescribed outcomes associated with them. In these cases, the Executive Director of Residential Life & Campus Safety or designee may send an outcomes letter to the RSO/GLO representative and any other appropriate parties outlining the determination, the outcomes, and the rationale for both.

Upon receipt of this letter, the RSO/GLO may do one of the following:

- Accept the determinations and outcomes – in this case, the RSO/GLO will follow the directives outlined in the outcomes letter and the matter will be considered closed once the outcomes are completed. Failure to complete the outcomes may result in additional disciplinary action; or
- Decline to accept the determinations and outcomes – in this case, the matter will be forwarded for formal investigation and adjudication.

The RSO/GLO must notify the Executive Director of Residential Life & Campus Safety or designee of their choice from the above within three (3) business days of receipt of the letter.

In certain cases that might otherwise constitute a Level 1 violation, the Associate Dean of Students or designee may determine that a different resolution option is warranted. This determination may be based upon the prior history of the RSO/GLO or its members, the RSO's/GLO's current status, any patterns of behavior, or other factors as deemed relevant.

### **The Educational Conference**

In those cases where the Violation Rubric would suggest a Partnership or Formal Adjudication Process, or in those cases that began with a Prescribed Outcomes Process, but the RSO/GLO elects to have the case adjudicated through the Formal Adjudication Process, the Executive Director of Residential Life & Campus Safety or designee will schedule an Educational Conference with the RSO/GLO representative and RSO/GLO Advisor and other appropriate parties.

This meeting provides an opportunity for the leadership of the RSO/GLO, the RSO/GLO advisor(s) and the RSO/GLO inter/national governing body (if applicable) to discuss the nature of the allegations, the rights and responsibilities of the RSO/GLO, the resolution options available to the RSO/GLO based on the nature of the allegations, and the specific steps involved in the different resolution options.

In the event that the RSO/GLO needs additional time to select the preferred resolution option, the RSO/GLO will be given one business day following the Educational Conference to notify the Associate Dean of Students or designee of the preferred resolution option. The Associate Dean of Students or designee will make the final determination on the resolution option to be used in investigating and adjudicating the alleged violations.

### **Partnership Process**

For this resolution process, the RSO/GLO is given the opportunity to conduct an internal investigation. The Partnership Process will include the following:

- The Executive Director of Residential Life & Campus Safety or designee will, in consultation with the RSO/GLO representative and RSO/GLO advisor and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
- The RSO/GLO must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the Executive Director of Residential Life & Campus Safety or designee, or as otherwise specified in writing by the College.
  - Report should be detailed and specific, including the names of specific individuals involved in the alleged violation and any internal disciplinary action the RSO/GLO has implemented relative to those individuals.
- The report should be submitted electronically in pdf format to the Associate Dean of students. Google docs is not acceptable for submitting the report.

### **Report Review by Executive Director of Residential Life & Campus Safety or Designee**

The Executive Director of Residential Life & Campus Safety or designee will review the RSO's/GLO's investigative report and will make one of the following determinations:

- The Executive Director of Residential Life & Campus Safety or designee agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps; or
- The Executive Director of Residential Life & Campus Safety or designee agrees that the report is complete, that the behavior in question is individual in nature, and the individuals implicated in the chapter report are forwarded for adjudication under the student code of conduct and the case involving the RSO/GLO is closed; or
- The Executive Director of Residential Life & Campus Safety or designee determines that the report is insufficient or incomplete, and provides feedback to the RSO/GLO and provides instruction for further investigation; or
- The Executive Director of Residential Life & Campus Safety or designee determines that the RSO/GLO has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative. The Executive Director of Residential Life & Campus Safety or designee will then determine whether to move forward with investigation and adjudication of the allegations under the Formal Resolution Process.

### **Partnership Process Resolution Meeting**

Once the Executive Director of Residential Life & Campus Safety or designee has determined that the report is complete, the Executive Director of Residential Life & Campus Safety or designee will meet with the RSO/GLO representative and/or advisor (and other parties as appropriate) and one of the following determinations will be made:

- **No Policy Violation** – If the RSO/GLO report determines that no policies were violated by the RSO/GLO, and the Executive Director of Residential Life & Campus Safety or designee accepts this determination, the process concludes for the RSO/GLO. Individuals implicated in the report may be forwarded for individual adjudication as outlined in the Code of Student Conduct.
- **Responsibility Fully Accepted:** If the RSO/GLO report determines that the RSO/GLO was responsible for all policy violation(s) that were alleged, and the Executive Director of Residential Life & Campus Safety or designee accepts this determination, the Executive Director of Residential Life & Campus Safety or designee will initiate the Determination of Outcomes process.
- **Responsibility Partially or Not Accepted:** If the RSO/GLO report determines that the RSO/GLO was responsible for some but not all, or for none of the policy violation(s) that were alleged, the Executive Director of Residential Life & Campus Safety or designee will make one of the following determinations:
  - the Executive Director of Residential Life & Campus Safety or designee may accept the determinations from the report and will move forward to the outcomes process solely on the allegations for which the RSO/GLO accepted responsibility if applicable; or
  - The Executive Director of Residential Life & Campus Safety or designee may not accept the determinations from the report and will move forward in investigating and adjudicating the matter under the Formal Investigation Process.

If individual students are identified at any point in the partnership process to have potentially violated any College policies, they may be individually referred to the Executive Director of Residential Life & Campus Safety or designee for investigation and adjudication.

**\*\*Determinations of responsibility through the Partnership Process are final and may not be appealed.\*\***

### **Formal Investigation Procedures**

If the Executive Director of Residential Life & Campus Safety or designee determines at any point that a formal investigation is necessary, the Executive Director of Residential Life & Campus Safety or designee may assign the case to an investigator(s) for a formal investigation. The Executive Director of Residential Life & Campus Safety or designee will notify the RSO/GLO, the RSO/GLO advisor, and other appropriate parties that a formal investigation is being initiated.

During the course of the investigation, up to and including the five business (5) day review period, the RSO/GLO may request to enter information into the record and may recommend specific witnesses to the investigator. Ultimately, determinations of relevance of information or witnesses will be determined by the investigator.

In completing the investigation, the investigator(s) may:

- Make contact (if possible) with the individual(s) who submitted the initial information.
- Interview any individuals with relevant information.
- Request relevant information from RSO/GLO members (i.e. screenshots of text messages or pictures/videos) and note whether or not RSO/GLO members were compliant in sharing requested information.
- Provide relevant information at any point during the investigation to the Executive Director of Residential Life & Campus Safety or designee related to interim measures.
- Require RSO/GLO members, or a select group of RSO/GLO members (i.e. all new members of the RSO/GLO) to participate in an interview and may restrict communication between RSO/GLO members during the interview.

Students participating in a formal investigation process are expected to participate in an active, cooperative and truthful manner. Failing to participate in any fashion, including failure to provide requested information or testimony, may constitute a violation(s) of the Code of Student Conduct. Additionally, the investigators will document these failures and the Hearing Panel may make any inferences based on these failures.

The College will complete the initial investigation in a period of no more than 30 days, barring any exigent circumstances. In the event that exigent circumstances arise that will require a delay beyond 30 days, the College will notify the RSO/GLO representative of the delay, including the reasons for the delay and the anticipated timeline for completing the investigation.

At the completion of the investigation, the investigator(s) will provide a written draft of the investigation report to the Executive Director of Residential Life & Campus Safety or designee. The Executive Director of Residential Life & Campus Safety or designee will review that report for accuracy or thoroughness and, once complete, will share the draft of the report (with necessary redactions) with the RSO/GLO representative, RSO/GLO advisor, and any other appropriate parties for review and comment. The RSO/GLO must provide any comments related to the investigative report in writing to the Dean of Students or designee within five (5) business days of the receipt of the report, barring exigent circumstances as determined by the Executive Director of Residential Life & Campus Safety or designee. Upon receipt of these comments (if applicable) the Executive Director of Residential Life & Campus Safety or designee will generate the final report and share it with the RSO/GLO representative, advisor and any other appropriate parties at least three business (3) days in advance of any formal resolution. The Executive Director of Residential Life & Campus Safety or designee will make the final determination of the relevance of any information gathered during the investigation.

Upon completion of the final report, the Executive Director of Residential Life & Campus Safety or designee will schedule a meeting with the appropriate RSO/GLO representatives to determine the appropriate adjudication process. At this meeting, the RSO/GLO may choose one of the following options for adjudication:

- **Informal Resolution** – the RSO/GLO may accept the findings of the investigation and determinations of the Executive Director of Residential Life & Campus Safety or designee based on the investigation report. If this occurs, the process will move forward to the outcomes process.
- **Formal Resolution** – the RSO/GLO may not accept the findings of the investigation and/or determinations made by the Executive Director of Residential Life & Campus Safety or designee. If this occurs, the RSO/GLO may choose to have the matter resolved through a Conduct Hearing. The RSO/GLO will be given a notice of the time, date and location of the hearing at least three (3) business days in advance of the hearing.
  - **Conduct Hearing** – The Executive Director of Residential Life & Campus Safety or designee will serve as the hearing chair. The hearing chair serves to make sure that process is followed. The Hearing Panel will be made up of 3-5 faculty/staff/students who do not have a relationship with the RSO/GLO.
    - The hearing panel may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report. The RSO/GLO may question any witnesses called by submitting written questions to the hearing chair.
    - The RSO/GLO will be given the opportunity, in person to submit or give an opening statement to the hearing panel and to respond to any information provided by witnesses.
    - The hearing panel may question the RSO/GLO representative.
    - The RSO/GLO may bring an advisor of their choosing to the hearing. The RSO/GLO advisor may not speak on behalf of the RSO/GLO, question witnesses, or actively participate in the hearing other than to advise the RSO/GLO representative.
    - The hearing panel will make determination of responsibility using a preponderance of evidence (more likely than not) standard of evidence.