

Crime and Incident Reporting Training for University Employees

Do your part to keep the Illinois State
University campus safe and secure.

When in Doubt - REPORT!

*Training presented by
the Office of Equal Opportunity and Access*



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Know Your Role

Illinois State University employees have a responsibility to help maintain the safety and security of the campus. It's not only the right thing to do, it's the law!

Federal law mandates selected Illinois State University employees must:

- **Report** acts of sexual violence, sexual misconduct, sexual assault, domestic violence, dating violence, stalking, and sexual harassment so the University can respond and investigate.
- **Report** certain crimes so that the University can publish crime statistics in the University's *Annual Security Report*.

Consequences:

- Failure to report is a violation of law and could lead to university disciplinary action, up to and including discharge.



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Who Must Report - Responsible Employees

Examples Include:

Academic Affairs & Colleges

- Deans
- Directors
- Department Heads
- Faculty
- Academic Advisors
- Lab School Personnel
- Supervisors
- Graduate Teaching and Research Assistants
- Undergraduate Teaching Assistants
- Tutors and Academic Coaches

Finance & Planning, University Advancement

- Human Resources Staff
- Facility Security Staff, including individuals who monitor access into campus buildings or parking facilities
- Supervisors

Student Affairs

- University Police and Additional Security
- Dean of Students Office Staff
- Event Management, Dining, and Hospitality Staff
- RSO Advisors
- University Housing Staff (including Resident Assistants/Community Assistants)
- Campus Recreation Staff
- Health Promotion & Wellness Staff
- Student Access and Accommodations Staff
- Supervisors
- Student Health Services Staff*

**SHS staff should consult their supervisor regarding specific responsibilities.*

Other University Personnel

- Athletic staff including coaches, trainers, and Study Center personnel
- OEOA Personnel
- Supervisors



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What Must be Reported?

Reportable Crimes/Incidents include:

- Murder and/or manslaughter
- Sex offenses including rape, sexual assault, sexual violence, sexual battery, sexual abuse, sexual coercion, fondling, incest, and statutory offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All liquor, drug, and weapons violations **resulting in an arrest**
- Sexual harassment
- Domestic violence
- Dating violence
- Stalking
- Hate crimes based on any of the above offenses, larceny-theft, assault, intimidation, vandalism, and other destruction of property.

For more detailed definitions for federal criminal statistic reporting purposes, the above federal definitions are available at: [Campus Safety & Security website](#).



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Sexual Harassment

Sexual harassment is a required reportable incident and must be reported by Responsible Employees.

Sexual harassment is uninvited and unwelcome physical, verbal, or nonverbal behavior of a sexual nature so severe or pervasive that it creates an intimidating or hostile educational or work environment.

Examples include:

- Sexual Harassment
- Sexual Violence
- Sexual Assault/Misconduct/Rape
- Fondling/Sexual Abuse
- Incest
- Statutory Rape
- Dating Violence

In addition to being a form of sexual harassment, rape, fondling, incest, statutory rape, domestic violence, dating violence, and stalking are all criminal acts.



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Sexual Harassment Reporting Information

For more information contact:

Office of Equal Opportunity and Access (OEOA)

Title IX Coordinator

Hovey Hall, Room 310

[\(309\) 438-3383](tel:(309)438-3383)

[\(309\) 438-5411](tel:(309)438-5411)

Faculty/Staff:

[Office of Equal Opportunity and Access](#)

EqualOpportunity@IllinoisState.edu

Students:

[Title IX website](#)

TitleIX@IllinoisState.edu

Policy information: [Anti-Harassment and Non-Discrimination Policy](#)

Dean of Students: [Code of Student Conduct](#)



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When in Doubt – REPORT!

- It is important to understand the specific types of crimes and their definitions as outlined at the end of this training.
- You are not responsible for determining if any reported situation meets these definitions.
- You are not responsible for determining if the reported activity occurred.
- If you are not sure that a situation meets these criteria, report it anyway. The University will make the necessary determination.



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How to Respond and Make a Report

If someone shares information with you about a reportable crime or incident, you should:

1. Listen and offer help and support but know your limits.
2. Make the individual aware of your duty to report the information to authorized individuals trained to respond.
3. Remember you cannot promise confidentiality.
4. Share with the individual the resources provided by various campus offices listed on the [Campus Safety & Security](#) and [Title IX website](#) websites and the [Quick Reference Guide](#).
5. Gather basic information about the incident.
6. Report the information by contacting University Police or completing the University's online [Public Incident Report Form](#) or complete an anonymous report at [EthicsPoint Illinois State University](#).

You CANNOT promise confidentiality!



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How to Respond

- Offer your support by letting the individual know where to get confidential services and help on campus.
 - **For students:** Student Counseling Services has specially trained Confidential Advisors and Counseling Services
 - **For employees:** Employee Assistance Program
 - See [Quick Reference Guide](#) at [Title IX Resources website](#)
- Encourage the person to seek medical attention.
- Encourage the person to preserve evidence including any information related to the incident (e.g. text messages, voice mails, social media communications, emails, etc.) and photograph any injuries.
 - Even if the person doesn't want to participate in a criminal or University investigation now, they are encouraged to preserve evidence in case they change their mind in the future.



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How to Respond, Continued

Inform the person of their right to file a criminal complaint and/or seek an order of protection, no contact order, or other similar lawful order.

- If an order of protection (or other similar lawful order) exists, encourage the person to provide you or Illinois State University Police with a copy.

Inform the person that the University offers a variety of protective and support measures to assist students and employees.

- Employees can make requests by contacting the [Office of Equal Opportunity and Access](#).
- Students can make requests by contacting the [Title IX Office](#).



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How to Respond: Confidentially

As a Responsible Employee you are required to report crimes, incidents, and potential sexual harassment, even if the individual:

- Asks you to keep it confidential
- Says they don't want their name disclosed
- Says they don't want the University to investigate or take disciplinary action

Tell the individual:

- You are required to report the incident and cannot promise confidentiality.
- The individual will be contacted by the University Title IX office to provide information, resources, and support.

More information is available by contacting:

Office of Equal Opportunity and Access

Title IX Coordinator

Hovey Hall, Room 310

[\(309\) 438-3383](tel:(309)438-3383)

[\(309\) 438-5411](tel:(309)438-5411)

Faculty/Staff:

[Equal Opportunity website](#)

EqualOpportunity@IllinoisState.edu

Students:

[Title IX website](#)

TitleIX@IllinoisState.edu



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How to Report

Responsible Employees are mandated by law to act on a reportable crime or incident that is made known to them, even if the information is shared in confidence.

What to ask:

- What happened?
- Who was involved?
- When did the incident occur?
- Was bias evident?
- Where did the incident occur?

Please gather this basic information to assist the University in responding to and investigating the report.



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Illinois State University Reporting Options

After gathering information, you must contact:

In an Emergency: Call Police at [9-1-1](tel:911)

In a Non-Emergency:

To Illinois State University Police: [\(309\) 438-8631](tel:3094388631) or TTY [\(309\) 438-8266](tel:3094388266)

To the University: Complete the online [Public Incident Report](#) or complete a report at [EthicsPoint ISU](#).

Each form will ask for the following information:

- Your contact information (name, email, phone)
- Time and date of the incident
- Incident description, including details and if you believe bias was involved in the crime
- Names and contact information of anyone who was involved or witnessed the incident or crime
- Specific information about the location of the incident or crime

You may be contacted to request additional information.



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Anonymous Reporting

- Illinois State University provides an option for individuals to make an anonymous report.
- You can file an anonymous report line by making a report [EthicsPoint ISU](#) or by calling [\(309\) 438-0268](tel:3094380268).
- For more information on making an anonymous report please visit: [Title IX Anonymous Reporting](#).



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Other Internal Reporting Options

University Ethics Officer – Rob Blemler

Hovey Hall, Room 207

Campus Box 1120

Normal, IL 61790-1120

Phone: [\(309\) 438-2339](tel:(309)438-2339)

Email: rwbleml@ilstu.edu

University employees may also report sexual harassment to their supervisors verbally or in writing. University supervisors are required to report any sexual harassment allegations to the appropriate office.



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External Reporting Options

- [Illinois Office of Executive Inspector General](#)
Phone: [\(866\) 814-1113](tel:8668141113)
- [Illinois Department of Human Rights](#)
Phone: [\(312\) 814-6200](tel:3128146200) – Chicago
[\(217\) 785-5100](tel:2177855100) – Springfield
[\(618\) 993-7463](tel:6189937463) - Marion



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What Not To Do

Never do the following:

- Try to investigate the crime or incident or gather evidence; just gather the basic facts.
- Try to determine if a crime took place – Illinois State University Police Department will make this determination.
- Try to determine if a sexual encounter was/was not consensual.
- Try to locate, apprehend, or detain an alleged perpetrator of a crime.
- Push for information an individual is not comfortable sharing.
- Alter or remove the student/employee from work, living, or academic situations without involving the appropriate University office.
- Never blame the individual reporting or make judgements about what they report.



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Frequently Asked Questions

Q: If the student or employee reporting the behavior or a witness tells me they already filed a report, do I need to file a report?

A: Yes

Q: Where can I find additional information about sexual harassment and reporting?

A: Additional information is available on the Title IX website at [Title IX website](#) and at Policy.IllinoisState.edu/conduct/1-1-2.shtml.

Q: Who can individuals talk to confidentially about sexual harassment concerns?

A: Employees: [Employee Assistance Program](#)

Students: [Student Counseling Services](#)

Student Counseling Services provides Confidential Advisors who have been trained extensively in responding to reports of sexual assault/harassment. Counselors in these offices are not required to report to police or the University Title IX office.

Q: Where can I learn more about training and educational programs, ongoing prevention and awareness campaigns, or opportunities to get involved?

A: [Title IX website](#)



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University Sexual Harassment Process

- Sexual Harassment
- Sexual Violence/Assault/Misconduct
- Domestic Violence
- Dating Violence
- Stalking



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University Response to Reports of Sexual Harassment

It is important to know that the University takes any reports or complaints of crimes/incidents very seriously.

- The University offers a variety of protective and supportive measures to assist students and employees. Students and employees can make requests by contacting the [Office of Equal Opportunity and Access](#).
- Examples of protective/support measures include, but are not limited to:
 - University Contact Restriction
 - Alternate housing placement
 - Academic assistance
 - Transportation information
 - Alternate work situation
 - Retaliation protection
- Any reported crimes or sexual harassment will be reviewed and investigated according to the University complaint procedures 1.2.1, 1.2.2, or 1.2.3.



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Complaint Procedures for Allegations of Sexual Harassment

The University is required to follow up on all reported incidents of sexual harassment including sexual misconduct, sexual assault, domestic violence, dating violence, and stalking to support the University's efforts to provide a safe and non-discriminatory learning and living environment.

*Please note that University processes are **separate** from any criminal process related to an incident and are reviewed under University Procedures 1.2.1, 1.2.2, or 1.2.3.*



Complaint Procedures for Allegations of Sexual Harassment Against Students

The Office of Equal Opportunity and Access will follow up using the following complaint procedures:

- Provide the student support, which includes discussing available supportive measures, and how to file a formal complaint
- Review formal complaint to determine appropriate policy
- Investigate allegations
- Live hearing conducted by a University panel of decision-makers
- Initiate sanctions/interventions
- Appeal rights

Disciplinary action may be taken up to and including the removal of the student from the campus community.

For a detailed explanation of the process, refer to University Procedure 1.2.2



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Complaint Procedures for Allegations of Sexual Harassment Against Employees

The Office of Equal Opportunity and Access will follow up on reported incidents using the following complaint procedures:

- File a complaint
- Provide support, which includes discussing retaliation and whistleblower protections
- Review of allegations
- Investigation or referral
- Conduct employee hearing (only under University Procedure 1.2.3)
- Report of investigation and recommendations
- Appeal rights
- Sanctions, if appropriate

Human Resources may impose disciplinary action up to and including termination of employment.

For a detailed explanation of the process, see the [OEEOA website](#) and [University Procedure 1.2.1](#) and [University Procedure 1.2.3](#).



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Helpful Information to Keep in Mind

It is never someone's fault when they are assaulted, but certain situations can make them more vulnerable, and people need to look out for each other.

Who can be sexually assaulted?

- Anyone. We tend to think of women being assaulted by men, but men are also assaulted – by women and by other men—and women are also assaulted by other women.

Additional behaviors that **might** make a person more vulnerable:

- Excessive use of alcohol
- Accepting a drink from someone they do not know
- Becoming isolated and separated from friends and others



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If You See a Vulnerable Person

- Ask yourself: If I don't intervene, who will?
- One simple question or action can deter someone who may believe no one will intervene.
- Intervene when you feel it is safe to do so
 - **Ask:** Is everything okay? Do you need help?
 - **Interrupt:** What is going on? This behavior is unacceptable.
 - **Separate:** Ask to talk with one of the individuals and remove them from the situation.
 - **Enlist others:** Let others know what is happening and enlist their assistance.
 - Help connect students with needed resources.
- If you can't safely intervene, contact the police.



If You Suspect a Person Has Been Harmed

Be aware of signs that may indicate a person is experiencing distress and may need professional assistance, including:

- Exaggerated and/or inappropriate emotional responses
- Unusual or changed patterns of interactions or participation in class/attendance at work
- Change or deterioration in personal appearance
- Repeated appearance of bruising or reddening of the skin

The number and intensity of these signs can indicate the severity of distress.

Refer the individual to appropriate resources on the [Title IX website](#) and the [Quick Reference Guide](#) that contains information about campus and community resources, and information about evidence preservation.



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Attitudes that Deter Intervention

Examples of attitudes that deter intervention:

- It's really none of my business.
- It's uncomfortable intervening in a "personal" situation.
- Maybe I am misinterpreting what I am seeing.
- What will they think of me?
- I'm really not sure what to do.

Doing nothing allows the violence to continue:

- Intervening when someone is vulnerable is critical. Survivors of sexual and/or dating/domestic violence are frequently re-victimized.
- Reducing the potential for violence and empowering individuals helps to ensure their future well-being.
- Remember, you do not have to act alone; enlist the assistance of others.



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Definitions

- Federal law requires employees to be familiar with definitions used in meeting reporting obligations.
- Remember, you do not need to make the determination whether a reported incident fits within a particular definition.



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Sexual Harassment - Employment

It is the policy of the University to maintain an academic and work environment free of sexual harassment for students, faculty, and staff. Sexual harassment is contrary to the standards of the University community, and a barrier to fulfilling the University's scholarly, research, educational, and service missions. Formal complaints under this definition will be reviewed pursuant to University Procedure 1.2.3

Quid Pro Quo Sexual Harassment

Quid Pro Quo sexual harassment occurs when it is stated or implied that an academic or employment decision about a student or employee depends upon whether the student or employee submits to the conduct of a sexual nature. Quid pro quo sexual harassment also occurs when it is stated or implied that a student or employee must submit to conduct of a sexual nature in order to participate in a University program or activity.

Hostile Work Environment

A sexually harassing hostile environment occurs, pursuant to Title IX, when any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive negatively affects the employee's ability to participate in or benefit from a University program or activity; or, any instance of sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).



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Sexual Harassment – Employment, Continued

A sexually harassing hostile environment may also occur when uninvited or unwelcome conduct of a sexual nature creates an intimidating, threatening, or abusive working environment that is so severe or pervasive that it negatively affects the employee's ability to participate in or benefit from a University program or activity. Complaints under this definition will be reviewed pursuant to University Procedure 1.2.1. The Office of Equal Opportunity and Access will reserve the right to refer matters that may meet the definition above under the Title IX definition to that process at any point during an investigation. Examples may include:

- Unwanted sexual statements – sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others, and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements are precluded in all forms including but not limited to verbally, in writing, electronically (email, instant messaging, blogs, web pages, etc.).
- Unwanted personal attention – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.
- Unwanted physical or sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, sexual misconduct/violence, domestic violence, dating violence, stalking, intercourse, or other sexual activity.

The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. It will seek to prevent and remedy such incidents and will investigate and take corrective actions for violations of this policy.



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Title IX Sexual Harassment - Hostile Educational Environment

It is the policy of the University to maintain an educational environment free of sexual harassment for students under Title IX. Sexual harassment is contrary to the standards of the University community and a barrier to fulfilling the University's scholarly, research, educational, and service missions.

Sexual harassment under Title IX is defined as the following:

- An employee of the University Laboratory School or Illinois State University conditions the provision of aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal educational access; or
- Any instance of sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence or stalking as defined in the Violence Against Women Act (VAWA).



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Illinois Ethics Act Sexual Harassment Definition

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.



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Consent Definition

As defined by the *University Anti-Harassment and Non-Discrimination Policy - 1.2:*

- For the purposes of this section, informed consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is not of an age to legally give consent (i.e. juvenile, minor), mentally disabled, mentally incapacitated, physically helpless, incapacitated through the use of alcohol and/or drugs to the point of being unable to make an informed and rational decision, unconscious, or asleep. Informed consent cannot be obtained through physical force, compelling threats, intimidating behavior, or coercion.
- Consent cannot be derived based on: a lack of verbal or physical resistance, previous sexual relations between the same parties, consent provided to another party, previous or current sexual relations with other parties, or through the manner in which someone chooses to dress. A person always retains the right to revoke consent at any time during a sexual act. Attending an artistic or educational event or a class in which nudity occurs and for which advanced notice of nudity has been provided qualifies as informed consent.
- **As defined by *Illinois Criminal Code:*** a freely given agreement to the act of sexual penetration or 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.



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Sexual Misconduct/Violence Definition

As defined by the *University Anti-Harassment and Non-Discrimination Policy 1.2*:

Engaging in any act that is sexual in nature and which is committed without the full and informed consent of all persons involved.

Examples of sexual assault/misconduct include but are not limited to: any penetration of the mouth, vagina, or anus with any body part or other object; contact with a person's breasts, buttocks, groin, or genitals; touching another person with one's own breasts, buttocks, groin, or genitals; any other intentional bodily contact of a sexual nature, or; exposing one's intimate body parts to another person or persons.



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Sexual Assault Definitions

Sexual Assault – As defined by *Illinois Criminal Code*

A person commits criminal sexual assault if that person commits an act of sexual penetration and:

- Uses force or threat of force.
- Knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
- Is a family member of the victim, and the victim is under 18 years of age.
- Is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

Sexual Violence – As defined in the *Preventing Sexual Violence in Higher Education Act*:

- Means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.



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Sexual Exploitation Definition

As defined by the *University Anti-Harassment and Non-Discrimination Policy 1.2*:

Engaging in any action that results in one or more persons taking nonconsensual or abusive sexual advantage of another person or persons.

Examples of such behavior include, but are not limited to: invasion of sexual privacy; recording or broadcasting sexual activity, including redistribution of pictures, video, or audio; engaging in voyeurism; facilitating or allowing voyeurism without the consent of all parties; knowingly exposing another to a sexually transmitted disease; inducing another person or persons to commit an inappropriate sexual act, or; inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.



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Dating and Domestic Violence Definitions

Dating Violence as defined by the *University Anti-Harassment and Non-Discrimination Policy 1.2:*

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

Domestic Violence as defined by the *University Anti-Harassment and Non-Discrimination Policy 1.2:*

Violence committed by:

- A current or former spouse or intimate partner of the alleged victim.
- A person with whom the alleged victim shares a child in common.
- A person who is cohabitating with, or has cohabitated with, the alleged victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the State of Illinois.
- Any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.



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Dating and Domestic Violence Definitions

Domestic Violence – As defined by the *Illinois Domestic Violence Act:*

Physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.



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Stalking Definition

As defined by the *University Anti-Harassment and Non-Discrimination Policy 1.2*:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress.

For the purposes of this definition (1) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. (2) Substantial emotional distress means significant mental suffering or anguish that may, but may not necessarily, require medical or other professional treatment or counseling.



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Stalking Definition

As defined by the *Illinois Criminal Code*:

- A person commits stalking when knowingly engaging in a course of conduct directed at a specific person, that knows or should know would cause a reasonable person to:
 - Fear for his/her safety or the safety of a third person.
 - Suffer other emotional distress.
- A person commits stalking when he or she, knowingly and without lawful justification, on at least two separate occasions follows another person or places the person under surveillance or any combination thereof and:
 - At any time, transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to an individual or their family member.
 - Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint to an individual or their family member.
- A person also commits stalking when he or she has previously been convicted of stalking another person and knowingly does either of the above activities.



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Retaliation Definition

As defined by the [University Anti-Harassment and Non-Discrimination Policy 1.2](#):

- The University will not tolerate retaliation against students, employees, or faculty members who exercise their rights by filing a complaint with or participating in a protected investigation. Any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates under this policy. Retaliation includes, but is not limited to harassment, discrimination, threats, or negative impact on employment and/or academic progress. Actions are considered retaliatory if they have a materially adverse effect on the working, academic, or living environment of a person; or if they hinder or prevent the person from effectively engaging in University activities and programs. Any person or group within the scope of this policy who engages in retaliation is subject to a separate charge of retaliation.
- This policy covers any act of harassment and/or discrimination based on [race, color, ancestry, national origin, religion, pregnancy, sexual orientation, order of protection, gender identity and expression, age, marital status, disability, genetic information, unfavorable military discharge, status as a veteran, or sex](#) (including [sexual harassment, sexual assault, domestic violence, dating violence, and stalking](#)).



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Retaliation Examples

- You have been a successful employee for five years, and your job evaluations have reflected that. You have alleged age discrimination against your supervisor, and shortly thereafter your job evaluation is unsatisfactory. You believe your job performance has not changed, and the unsatisfactory rating is based on your filing of an age discrimination claim.
- You file a claim for discrimination based on your religion. Shortly after the filing, your supervisor informs you that you are being separated from the institution. You believe it is because of your religious discrimination claim.
- You have recently been promoted to a supervisory position in your department. Shortly after receiving the promotion, you file a complaint of sexual harassment. Your supervisor informs you that you are being demoted to your prior position. You believe the demotion is a result of your filing of a sexual harassment complaint.



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Whistleblower Protections

Protections under the Ethics Act

- In the event an individual discloses or threaten to disclose violations of the State Officials and Employees Ethics Act or assists in efforts to enforce the provisions of the Act, employees are protected against retaliation.

Protections under Illinois Human Rights Act

- Under the Illinois Human Rights Act, employees are protected against retaliation as a result of a complaint filed.

Protections under Whistleblower Act

- Employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.



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University Outcomes

- Violation of the Anti-Harassment Non-Discrimination policy can lead to corrective action.
- Corrective action includes, but is not limited to, specialized training, time off work without pay, and other actions up to and including termination or academic suspension or expulsion.
- Knowingly making a false report can lead to discipline up to and including discharge.



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Ethics Act Consequences

- **Sexual Harassment in Violation of the Ethics Act**
Any person who violates the prohibition on sexual harassment that is found in the Ethics Act:
 - May be fined **up to \$5,000** per offense;
 - Is subject to **discipline or discharge**; and
 - May also have **finances or penalties** imposed by a State or Federal agency or court.
 - *See 5 ILCS 430/50-5(g).*
- **False Reports**
 - The Executive Ethics Commission (“EEC”) may levy a **fine of up to \$5,000** against any person who intentionally makes a false, frivolous, or bad faith allegation. 5 ILCS 430/50-5(e).
 - Any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a **misdemeanor**. *See 5 ILCS 430/50-5(d).*



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Reporting Quick Reference for Responsible Employees

Who must report?

Select University Personnel (refer to list in the training)

What must be reported?

- Reportable Crimes (refer to list in the training)
- Sexual Harassment **including**: Sexual Assault/Misconduct, Dating/Domestic Violence, Stalking

How to report?

To report a crime or an emergency:

Call Police at [9-1-1](tel:911)

To report a non-emergency:

Illinois State University Police: [\(309\) 438-8631](tel:3094388631) or TTY [\(309\) 438-8266](tel:3094388266)

To the University:

Complete the online [Public Incident Report](#) or an anonymous report at [EthicsPoint ISU](#)

Reports of potential sexual harassment will be forwarded to the Title IX Coordinator for review and investigation. Additional reporting options available to students, including confidential and anonymous reporting options, are outlined at [Title IX Reporting](#).



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Additional Training for Laboratory School Teachers and Staff

As a teacher or staff member at the Laboratory Schools, you are being provided with additional information and training related to your role.

Additional information can be found on the [Laboratory School Policies and Procedures](#) page.



What is Faith's Law?

- Faith's Law is named after prevention advocate and child sexual abuse survivor, Faith Colson, who graduated from an Illinois high school in the early 2000's.
- Faith's Law was passed by the Illinois General Assembly as two separate pieces of legislation. The first legislation established the definition of sexual misconduct within the School Code and outlined the requirements for schools to develop and post employee code of professional conduct policies.
- The second piece of legislation adds employment history reviews as part of the hiring and vetting process for schools and school contractors, requires notices to be provided to parents/guardians and the applicable student when there's an alleged act of sexual misconduct, and makes other changes to the process schools must follow when handling allegations of sexual misconduct.



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Faith's Law Resource Guide

- Illinois State Board of Education has prepared a resource guide for students and their families titled “Sexual Abuse Response and Prevention Resource Guide”.
- A copy of the guide is available on the Laboratory Schools policy web page.
- The guide provides information regarding:
 - Accredited Children’s Advocacy Centers of Illinois
 - Illinois Sexual Assault Centers
 - Mental health evaluation and services for victims
 - Medical evaluations and treatments available for victims of child sexual abuse
 - Legal assistance and advocacy on behalf of victims



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Faith's Law: Expectations of Teachers and Staff

- Faith's Law also requires public schools adopt a code of conduct for teachers and staff.
- Under the Illinois State University Laboratory School Expectations of Teachers and Staff:
 - All Laboratory School Teachers and/or Staff members are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents/guardians, staff members, and others.
- Teachers and/or Staff members refers to Laboratory School Faculty Associates, Staff, Teacher Candidates, Volunteers, or other Laboratory School Agents acting on behalf of the school.



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Expectations

All Teachers and/or Staff are explicitly prohibited from engaging in grooming behaviors or sexual misconduct with students.

- All Teachers and/or Staff subject to these Expectations are expected to adhere to the core principles, values, and responsibilities applicable to Illinois educators outlined in the Code of Ethics for Illinois Educators, 23 Ill. Adm. Part 22 and complete required training relating to child abuse and educator ethics.
- As part of professional educator license renewal, approved providers must provide educators with professional development opportunities that satisfy at least one of a list of topics, which now includes training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students.
- These expectations are in addition to all applicable federal and state law and regulations and applicable University Policies and Procedures.



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Expectations, Continued

Sexual misconduct is any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the University/Laboratory Schools with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following*:

- a. A sexual or romantic invitation
- b. Dating or soliciting a date
- c. Engaging in sexualized or romantic dialog
- d. Making sexually suggestive comments that are directed toward or with a student
- e. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature
- f. A sexual, indecent, romantic, or erotic contact with the student

** This definition and standard will apply to Teachers and/or Staff in the Laboratory Schools. However, all other applicable laws, regulations, University and/or Laboratory School policies, procedures, practices or requirements also continue to apply.*



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Transporting Students

- If transportation is provided to students, Teachers and/or Staff should be accompanied by another Teacher and/or Staff member when transporting a student.
- Teachers and/or Staff should not transport students in their privately owned vehicle unless the Teacher and/or Staff member has obtained the prior permission of the building administrator or Laboratory School Superintendent.



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Transporting Students, Continued

- When transporting a student in a privately-owned vehicle, permission from the parent/ guardian should be obtained and documented in writing.
- If it is not feasible to obtain advance permission or notify a parent/guardian prior to transporting the student (such as an emergency situation or when a parent/guardian cannot be contacted), Teachers and/or Staff should:
 - Take all reasonable steps to ensure the safety of the student;
 - Within a reasonable period of time following transportation of a student, Teacher and/or Staff should document what actions were taken; and
 - Notify both the building administrator and the parent/guardian in a follow up communication.



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Taking or Possessing a Photo or Video of a Student

Teachers and/or Staff are not permitted to take a photo or video of a student for their personal use. Photos and images of students for Laboratory School sponsored activities used to further the Laboratory School mission are permitted as follows:

- a. All photos/video images of students shall be used in accordance with the authorization provided by parents/guardians to the Laboratory School.
- b. A photo or video of a student is a FERPA-protected education record when the photo or video is: 1) Directly related to a student and 2) Maintained by an educational agency or a party acting for the agency or institution. These images may reveal personally identifiable information about students. A photo or video taken by Teacher and/or Staff in their professional capacity (such as a photo or video taken in a classroom) is entitled to the same protections as any other FERPA protected student record. These images may not be disclosed without parent/guardian consent or as otherwise permitted by law. These types of images should not be posted to a Teacher and/or Staff member's personal media accounts for any reason.



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Taking or Possessing a Photo or Video of a Student, Continued

- c. A photo or video would not be considered “directly related to a student” if, for example, a student’s image is incidental or captured as part of a background, or a student is shown participating in school activities open to the public without a specific focus on any individual.
- d. A photo or video of students taken by Teachers and/or Staff who are also parents/guardians may not be used for Laboratory School purposes without appropriate consent from the parent/guardian.



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Meeting with a Student

Meeting with a student or contacting a student outside of a Teacher and/or Staff member's professional roles:

- a. Teachers and/or Staff are generally not permitted to meet with a student or contact a student *as a Teacher* and/or *Staff member* outside that individual's professional role.
- b. Teachers and/or Staff are strictly prohibited from using any form of communication with students (including, but not limited to, e-mails, letters, notes, text messages, phone calls, conversations) that includes any subject matter that would be deemed unprofessional and inappropriate between Teachers and/or Staff and a student.
- c. It is understood that Teachers and/or Staff live and work in our dynamic communities and may encounter students in the context of the Teacher and/or Staff member's personal relationships outside of school. All Teachers and/or Staff are expected to avoid crossing a line that results in an actual or perceived inappropriate relationship.



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Potential Outcomes

Any violations of these standards or failure to report a violation of these standards may subject an employee to discipline, up to and including dismissal from employment. Other individuals (e.g. student teachers, volunteers, contractors) may be subject to corrective action or other appropriate consequences in accordance with applicable standards.



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Criminal Acts

- Possible criminal acts that occur in the Laboratory Schools have additional reporting obligations for campus law enforcement.
- If, at any time, the school believes there has been a criminal act, the school **MUST** refer to Illinois State University Police Department for their review. If referred to the police department, any officer involved will adhere to the following:
 - Ensure that notification or attempted notification of the student's parents or guardian is made.
 - Document the time and manner in which notification or attempted notification occurred.



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New Sexual Misconduct Allegation Notification Requirements

Effective 7/1/23:

- Notices will be provided to the enrolled student and parents/guardians if a Faith's Law allegation of sexual misconduct involving Teacher or Staff is received.
- The notice will:
 - Be developmentally appropriate for the student
 - Be in writing for parents/guardians
 - Provide information regarding the alleged misconduct
 - Provide information on school and community resources, including available counseling services
- Parent/guardian notice not required if the student is at least 18 years of age or emancipated.



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Sexual Misconduct Allegation Process Requirements

- OEOA will follow existing procedures to investigate any Faith's Law allegation of sexual misconduct.
- These may include interviews, review of available information and evidence.
- If the allegation of sexual misconduct involves potentially criminal behavior, the investigation may also involve local law enforcement, the local multidisciplinary team, and the Children's Advocacy Center.



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New Sexual Misconduct Allegation Notification Requirements

- Effective 7/1/23:
 - Notices will be provided to the enrolled student and parents/guardians if formal action involving a Faith's Law allegation of sexual misconduct is taken regarding Teacher or Staff.
 - The notice will:
 - Describe the action taken
 - Indicate whether reporting regarding the misconduct was submitted to ISBE
 - Provide information on school and community resources, including available counseling services
 - Parent/guardian notice not required if the student is at least 18 years of age or emancipated.



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New Faith's Law Employment History Review

- Effective July 1, 2023, Faith's Law requires that Illinois State University must engage in a new process called an Employment History Review ("Faith's Law EHR") prior to hiring a University employee to work in a role that involve the possibility of direct contact with children or students in Laboratory School buildings or on school grounds.
- Direct contact with children or students means the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.



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New Faith's Law Employment History Review, Continued

- Applicants who will work in a Laboratory School Building are required to complete Illinois State Board of Education disclosure forms. These forms confirm that the applicant is not disqualified from employment at the Laboratory Schools.
- One of the forms is sent to former employers where the applicant may have had direct contact with children or students.
- The form requires the former employer to provide information about whether the applicant may have been the subject of an allegation, investigation, or other actions relating to sexual misconduct in the prior employment. Former employers that receive these requests for information must provide a response no later than 20 days after receiving the request for information.

More information about the Faith's Law Employment History Review Process is available on the Laboratory School Policy website and the Human Resources website.



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Additional Information

- Remember, these expectations are in addition to applicable federal and state laws.
- The reporting requirements outlined in these slides are in addition to the requirements to report suspected child abuse under the Abused and Neglected Child Reporting Act (ANCRA) and in compliance with Title IX of the Federal Educational Amendments of 1972. The Office of Equal Opportunity and Access will review the allegations pursuant to this section and applicable policy.
- If, at any time, the school believes there has been a criminal act that has occurred, the school must refer the matter to Illinois State University Police Department.



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Questions?

Office of Equal Opportunity and Access (OEOA)

EqualOpportunity.IllinoisState.edu

TitleIX.IllinoisState.edu

310 Hovey Hall

[\(309\) 438-3383](tel:(309)438-3383)

[\(309\) 438-5411](tel:(309)438-5411)



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Resources Available

- [Title IX Resources webpage](#)
- [Quick Reference Guide](#)



Acknowledgment

Crime and Incident Reporting Acknowledgement Statement

I affirm that I have completed the training. I understand that as an employee of Illinois State University, I have knowledge and understanding of the reporting requirements which apply to me, including, my obligations as a Responsible Employee.

*Note: There is no need to submit *any* certificates because your completion is registered in the training system. You may choose to print or save it for your records, but there is no requirement to do so.



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