



MCKENDREE  
UNIVERSITY

# STUDENT HANDBOOK

A BEARCAT'S GUIDE TO LIFE AT MCKENDREE UNIVERSITY  
&  
THE CODE OF STUDENT CONDUCT

2024 – 2025

Version 20241011

# A BEARCAT'S GUIDE TO LIFE AT MCKENDREE UNIVERSITY

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*The mission of McKendree University is to provide a high-quality educational experience to outstanding students. We guide our students in the pursuit of academic excellence, which will prepare them for leadership roles in our society. To achieve this end, we encourage broader vision, enriched purpose, engagement with the community, commitment to responsible citizenship, openness to new ideas, and dedication to lifelong learning. In keeping with our history and traditions, we provide our students with a rigorous, broadly based liberal arts curricula joined with specialization in a specific discipline.*

*We cherish our historical relationship with the United Methodist Church and its tradition of Judeo-Christian ideals. Therefore, we encourage an atmosphere of open dialogue, free inquiry, and mutual respect, conducted among students from diverse backgrounds.*

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## AT MCKENDREE, OUR PURPOSE IS...

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1. To offer undergraduate, graduate, and professional programs to develop our students' knowledge, analytical abilities, research capabilities, creativity, and sense of identity.
2. To help our students develop an appreciation and understanding of human diversity by providing knowledge of and opportunity for experience with multiple ethnicities, cultures, and societies.
3. To create an intellectual and technological environment supporting innovative and effective teaching, research, assessment and communication, excellent writing and oral skills, and decision-making.
4. To attract and maintain an excellent faculty and staff committed to teaching, to research, and to service to McKendree and the greater community while also attracting and retaining an outstanding student body.
5. To create a culture of campus life that includes experiences beyond the classroom that allow for the development of the whole person.

# GETTING INVOLVED ON CAMPUS

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Your time as a Bearcat should not be all about drafting essays and building up your resume--having fun and meeting new friends is just as important! There are plenty of opportunities here at McKendree, and the **Office of Campus Activities and Recreation** can tell you all about them. If you want to join a Greek organization, the **Office of Fraternity & Sorority Life** can get you more information. For those more interested in watching sports than playing, McKendree has a thriving **Athletics** program with nationally recognized teams and athletes for you to cheer on. And, of course, there is **the Hett**, McKendree's number-one destination for entertainment. Whether you are interested in movies, concerts, or stand-up, the Hett is the place to be.

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## CAMPUS ACTIVITIES

The Office of Campus Activities, located on the lower level of Deneen, offers many opportunities for students, their parents, and families to become invested in and connected to life at McKendree University. The office serves as a resource center for campus involvement through various programs and services. It strives to engage students in exploring their co-curricular experiences, beginning at admission, and continuing through graduation. The Office of Campus Activities sponsors programs for the entire campus community and provides leadership development opportunities for Registered Student Organizations. Our campus community is enriched through student involvement and each student's willingness to create new experiences. Please check with the Office of Campus Activities or the Office for Student Affairs for more information.

McKendree University has many student groups and organizations to choose from, offering a variety of activities and interests to everyone. Joining a student group or organization affords members many benefits, including making new friends, developing various skills and abilities, teamwork, learning how to set and achieve goals, and of course, having fun and being an active participant in the pulse of McKendree University! Registered Student Organizations (RSOs) include honor societies, departmental student organizations, faith-based groups, service organizations, and special interest groups. If a student can't find a group to fit a particular interest, they can start one by contacting the Office of Campus Activities at (618) 537-6856.

## JOINING THE CAMPUS ACTIVITIES BOARD

The McKendree University Campus Activities Board (CAB) has maintained a reputation as one of the best student organizations at McKendree: planning and executing alternative and diverse social, recreational, multicultural, and educational events for both the campus and the community. CAB consists of a limited group of selected students, allowing for opportunities to network with professionals while learning leadership skills, programming, and team creativity.

CAB plans campus-wide traditional events, including the Involvement Fair, Student Homecoming Week Activities, and Spring Fling. It also brings award-winning comedians, bands, and performers to campus. CAB organizes several off-campus events like:

- Trips to Cardinals and Blues games;
- Tickets for movie openings and live stage performances at The Fox Theatre, Enterprise Center, and others;
- Shopping and sightseeing trips in the local area and St. Louis.

Through CAB's efforts, it aims to create a positive and diverse experience for both its members and the students it serves, thus enhancing the campus experience.

## HOSTING CAMPUS EVENTS

Students are free to plan social activities and functions if they follow University regulations regarding student conduct. Campus facilities can be reserved for meetings, lectures, dances, movies, receptions, and other events. Conflicts in scheduling and use of

facilities can be avoided by using the University's master calendar on the campus website or by calling the Office of Campus Activities at Ext. 6856. All activities, including public events, should be checked against, and listed on this calendar.

When making your initial plans for an event, check the [letsmeet.mckendree.edu](http://letsmeet.mckendree.edu) webpage or contact the Office of Operations in advance to see if the room you want is available. Activities must be scheduled so as not to interrupt the regular and essential operations of the University. The Office of Operations reserves the right to reschedule events to prevent unreasonable conflicts, particularly when University-wide events occur. If you change your plans or cancel an event, tell the Office of Operations that too.

Some things to think about when planning an event are speaker or performer availability, fees, room availability, the master calendar, travel costs, equipment needed, food, decorations, publicity, your budget, and whether you have any co-sponsors.

All advertising of Registered Student Organization (RSO) events (flyers, sidewalk chalk, etc.) to be posted on campus must be approved by the Office of Campus Activities. Greek organizations should contact the Coordinators for Fraternity and Sorority Life. Major events requiring press releases, etc. are to be referred to the Office of University Communications and Marketing on Ext. 6865.

For assistance with contract negotiations, room set-up, equipment requests, etc., contact the Office of Operations in Pearson's Hall at Ext. 6958 or the Office of Campus Activities in the Deneen Center at Ext. 6856. For assistance with food service, contact Sodexo in Ames Hall on Ext. 6985.

## SHOWING FILMS

Showing a film is a fun and easy event to organize. However, any time a film is used for public viewing, regardless of the size of the event, the individual or group sponsoring the viewing must purchase the Public Performance Rights (PPR) for the film. Failure to purchase the associated PPR can result in fines or even prosecution for copyright violations. If you would like to show a film, please read the Film Viewing Guidelines available on the Campus Activities page of the website.

## FRATERNITY & SORORITY LIFE

The Office of Fraternity & Sorority Life (OFSL) oversees the five social Greek-Letter organizations and their student governing body, the Inter-Greek Council. OFSL is committed to partnering with students; local, regional, & and national organizations; and various stakeholders, both on and off campus, to ensure that fraternity and sorority members thrive. Working together, we can create an environment that maximizes opportunities for personal and academic growth, supports our McKendree Values, and strives to provide experiences that foster a positive, safe, healthy, and equitable social experience for all members of our community so that they practice responsible citizenship and social engagement.

## LEADERSHIP

The community is self-governed by the Inter-Greek Council (IGC). Representatives from each chapter are voting members on the council, which is led by an executive board; all members of IGC are currently active members of the five organizations. The goal of IGC is to cultivate growth in the Greek community while setting standards for the chapters to maintain.

## GETTING INVOLVED

Students interested in joining a fraternity or sorority can participate in recruitment week, which takes place in the fall and spring semesters. Prospective members can meet with active members of each of the Greek organizations on campus. Prospective members will then be invited to join an organization. All potential new members must be in good standing with the University, maintain a minimum cumulative GPA set forth by the council, and be current full-time undergraduate students at McKendree University. For more information, visit [www.mckendree.edu/greeklife](http://www.mckendree.edu/greeklife).

## SOCIAL GREEK ORGANIZATIONS

### ALPHA DELTA GAMMA, ALPHA ETA – FRATERNITY

Alpha Delta Gamma had its beginning with four students at the Lake Shore Campus of Loyola University of Chicago in 1924. The “Founding Four” brothers realized the need for an organization quite different from those existing on their campus. They saw five specific areas of development for students at Catholic colleges: the spiritual, the scholastic, the social, service to college and community, and encouragement of school spirit among fellow students. In effect, they wanted a fraternity founded upon Christian ideals of true manhood, sound learning, and the unity of the fraternal brotherhood. Since then, the national organization has grown quickly. The brothers of Alpha Delta Gamma (ADG) welcome young men who want to know more about what it means to be a leader. Since 1924, ADG has been helping men attain their goals in an atmosphere of achievement, self-government, and close cooperation.

### KAPPA SIGMA TAU – SORORITY

Kappa Sigma Tau, a local sorority only found at McKendree University, promotes the values of sisterhood, service, and academic excellence. Members strive to become positive role models in the classroom and strong leaders on campus. In the fall, Kappa Sigma Tau works to raise funds and awareness for the St. Louis Children's Hospital, and, in the spring, the organization focuses efforts on Alzheimer's awareness. Members enjoy weekly social gatherings and are involved with various McKendree-related events throughout the year.

### PHI BETA SIGMA, GAMMA RHO ETA CHAPTER – FRATERNITY

Phi Beta Sigma Fraternity, Inc. was founded on the campus of Howard University in Washington, D.C. in 1914. It is a social and community service fraternity that is open to all men without regard to race, nationality, or religion. It is an international organization that is a member of the National Pan-Hellenic Council and has the motto of "Culture for Service and Service for Humanity." This organization also promotes leadership through brotherhood, scholarship, and service. It is constitutionally connected to its sister sorority, Zeta Phi Beta. This connection makes Phi Beta Sigma uniquely different from other historically Black Greek organizations.

### SIGMA SIGMA SIGMA, THETA GAMMA CHAPTER – SORORITY

Sigma Sigma Sigma (Tri Sigma) was chartered in April of 2011. Being a national sorority, the women of the Theta Gamma chapter can connect with Tri Sigma sisters all over the nation, sharing Tri Sigma's values of wisdom, faith, power, hope, and love. As an organization, Tri Sigma strives to be excellent in academics, sisterhood, service, and leadership. The women uphold high academic and moral standards for its collegiate members and encourage lifetime participation as alumnae members. The motto “Faithful until Death” reflects Tri Sigma's commitment to providing a lifetime of sisterhood. The national organization has alumnae chapters across the nation to help sisters stay involved even after they leave McKendree University. Tri Sigma boasts the ability to offer many different opportunities for sisters to develop strong leadership skills and engage in philanthropy. The chapter helps to raise money for the Robbie Page memorial, which sponsors children's play therapy in hospitals across the country and has supported the St. Louis Children's Hospital locally. The chapter has also been honored by the national organization for its Anti-Hazing Week programs.

## CAMPUS RECREATION

The Office of Campus Recreation operates under the premise that to excel academically, students need to have opportunities outside the classroom where they can meet other students, socialize, develop leadership skills, and have the opportunity for fun competition at the non-intercollegiate sport level. Intramural Sports is the co-curricular program that complements the formal academic curriculum. The Office of Campus Recreation offers opportunities to currently enrolled McKendree students, faculty, staff, and their spouses/partners in several competitive and structured activities each year. Participants have fun, learn new sports, meet people from other cultures, test their physical ability, and take a break from the everyday academic routine. Team sports generally take on a league structure with a post-season tournament to determine champions. Please check with the Office of Campus Activities for more information.

Students interested in intramural teams and events should go to [www.mckendree.edu/intramurals](http://www.mckendree.edu/intramurals). Descriptions of events and activities, as well as registration forms, are posted there. Rules for each activity are available for download and print. Students can

also stop by the Campus Recreation Office at the Recreational Gym for more information on events or to join an intramural team. Team rosters are available online and should be completed by the deadline for the specified sport.

Team captains are reminded to attend required captain's meetings to be updated on any rule changes and other information.

## INTRAMURAL ELIGIBILITY

All faculty, staff, spouses of faculty or staff, alumni (in certain cases), and students enrolled in six or more class hours at McKendree are eligible to compete in the Intramural Program provided they are not exempted in one of the following ways:

1. Any student competing on a varsity team (varsity eligibility pending) shall be barred from that sport or its related sport. Related sports are fundamentally the same – for example, baseball and softball.
2. Any student participating under an assumed name shall be barred from all intramural competitions for the rest of the year.
3. Any student who has competed professionally in any sport shall be barred permanently from that or its related sport.
4. Any player/student removed from two intramural contests due to unsportsmanlike conduct shall be barred from intramurals for the rest of the current year.
5. Under no circumstances may any person ineligible for intramural play participate in an intramural contest. Any team using an ineligible player shall forfeit all contests in which that player participated.

## RECREATIONAL GYM USAGE AND EQUIPMENT

The McKendree community is encouraged to make use of the Recreational Gym, located on the north side of the Melvin Price Convocation Center (MPCC). The facility features two full basketball courts, six total goals, two volleyball courts, boundary lines for badminton and other sports, and men's and women's locker rooms. The gym may also be reserved for Intramurals or special events.

Situated in the Recreational Gym, the Campus Recreation Office offers a variety of items, ranging from basketball equipment to frisbees, board games, and more. Some items may require a small rental fee. Students must present their Student ID or valid Driver's license if planning to use the facility and the equipment. Campus Recreation staff will be more than happy to assist with any recreational needs.

McKendree students, faculty, and staff may have up to three guests in the gym at a time. Guests may use the Recreational Gym only during designated hours with their host present, and only when an attendant is on duty. **Unauthorized use of these facilities will result in judicial action, as outlined under the Code of Student Conduct.** All guests must surrender their picture identification upon entering the facility and leave the facility when their host does. Members of the McKendree Community must accept responsibility for their guests' behavior. All visitors must follow the policies outlined in the IM Handbook, available online.

## WEIGHT AND CARDIO ROOM

The Weight and Cardio Room is in the Student Fitness Center, adjacent to the Hettenhausen Center for the Arts. This facility contains dumbbells, free weights, and cardio equipment including treadmills, elliptical machines, and bicycles. Additional offerings include strength bands, balance balls, and other various equipment. Please check with the Office of Campus Activities or the Office for Student Affairs for more information.

A McKendree University-issued ID card is required for entry into this facility. Access to this facility will not be granted without a waiver form on file. Visit the Campus Recreation website to complete the waiver form for card access. If you have problems with your card, please contact the IT Helpdesk at Ext. 6445 or [helpdesk@mckendree.edu](mailto:helpdesk@mckendree.edu).

1. All users of the Weight and Cardio Room must scan their McKendree ID for entry each time they enter the facility.
2. Persons under eighteen (18) must be accompanied by a parent or legal guardian.
3. **DO NOT PROP DOORS OR ALLOW ENTRY TO THOSE WITHOUT A CARD.**
4. This facility is unsupervised. Use equipment at your own risk. For safety, always use a spotter. Lift within your capabilities. Offer to spot unaccompanied lifters.
5. Consult a physician before beginning an exercise program. A general Weight and Cardio Room orientation is available. Please visit the Campus Recreation website for information.
6. McKendree University assumes no liability for injuries or accidents that may occur.

## ATHLETICS

McKendree University completed the three-year transition process and officially became an active Division II member of the National Collegiate Athletic Association (NCAA) on September 1, 2013. McKendree University began competition against NCAA Division II teams in the fall of 2012 as a member of the Great Lakes Valley Conference (GLVC), which features Midwest schools that are like McKendree in size and student make-up. Schools currently in the conference include Drury University, University of Indianapolis, Lewis University, Maryville University, Missouri Science and Technology, Quincy, Rockhurst University, Southwest Baptist University, Truman State, University of Illinois-Springfield, University of Missouri-St. Louis, and William Jewell College.

The university has a perennial record of success with both men's and women's intercollegiate athletics teams. Men's and women's teams compete in basketball, soccer, swimming and diving, tennis, cross country, track and field, golf, volleyball, and water polo. Men's teams also compete in baseball, football, and wrestling. Women's teams compete in softball, bowling, and lacrosse. Non-NCAA sports in bass fishing, powerlifting, women's wrestling, women's ice hockey, men's ice hockey, men's bowling, and women's beach volleyball are also available for interested students. Men's and women's rugby is also available.

There are plenty of opportunities to cheer on the Bearcats! McKendree's mascot Bogey helps promote school spirit at athletic events, along with our cheerleading squad, competitive dance team, spirit band, and color guard. Students are also encouraged to participate in activities sponsored by Team Bogey, the general student spirit club. Students are admitted free of charge to all home sporting events (except for playoff games). For information on sports events, consult student publications or contact the Sports Information Office at Ext. 6879.

## RUSSEL E. AND FERN M. HETTENHAUSEN CENTER FOR THE ARTS

Opened in 2006, The Hett has quickly taken its place as the premiere venue for the arts in Southern Illinois, presenting world-class dance, drama, classical music, and jazz. The 488-seat auditorium is on Alton Street across from the campus fountain and Piper Academic Center. The Hett also houses several classrooms and rehearsal rooms and is the home of many groups on campus: the Department of Music, Theater, our Spirit Band, and more.

The Hett is named for Russel E. and Fern M. Hettenhausen of Belleville, IL. The Hettenhausens shared a lifelong love for the arts. Following the death of Russel, Fern sought a way to memorialize him. She stepped forward with the lead gift of six million dollars and jump-started the effort to construct a new arts center on McKendree's beautiful campus. Her gift is a lasting tribute to her husband and her commitment to the arts and the young people who study here.

Upcoming events, performances, and shows can be viewed at [http://www.mckendree.edu/the\\_hett/current-events.php](http://www.mckendree.edu/the_hett/current-events.php).

Tickets can be bought online, by phone, mail, or fax, or at the Box Office in the Hett lobby. Tickets are free for McKendree students and offered at a discounted price of \$5.00 for faculty and staff. A valid ID is required at the door of the performance for all discounted tickets. All discounts must be requested **at the time of purchase**. More information on purchasing tickets can be found at [http://www.mckendree.edu/the\\_hett/get-tickets.php](http://www.mckendree.edu/the_hett/get-tickets.php).

### TICKET LIMITS

When purchasing tickets for some events, you are limited to a specified number of tickets for each performance (also known as a "ticket limit"). If there is a ticket limit, it will be mentioned on the event page and is verified with every transaction. Please adhere to published ticket limits.

# YOUR ACADEMIC NEEDS

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Navigating the academic policies and procedures of university life can be challenging, but McKendree has many offices available to help students. A great first stop is the **Student Success & Advising Center (SSAC)**—whether a student is a freshman needing help with their initial transition to McKendree or a senior wanting to make sure they are on track to graduate, the SSAC can help. **Academic Records** works with registration, grades, transcripts, and student information. The **Office of Admission** is often the first office with which many students and families interact, but it is also a valuable resource for current students. The **Information & Technology Department** can help students with setting up their electronic devices, and IT can also answer any questions regarding computer labs on campus. **Holman Library** and its staff are great resources for students working on essays or research assignments.

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## OFFICE OF ACADEMIC RECORDS

Academic Records, located on the first floor of Old Main, is the place to go if you have questions regarding adding or dropping courses, transferring credits to McKendree, or sending your McKendree transcripts to employers or other schools. They can also answer questions about registration deadlines, grade changes, and updating your address.

## OFFICE OF ADMISSION

The Office of Admission provides various services for prospective students as they navigate through the admission process and finalize their enrollment. Some of the services provided include planning individualized and group visits that allow students to experience McKendree in a manner that serves their interests. Counselors work alongside Academic Records and Student Success to coordinate transfer credit equivalencies and placement testing for first-time advising. The admission staff is also available to guide students through the development and review of their scholarship and financial aid packages. The Office of Admission is routinely seeking outstanding students to represent McKendree University as Student Ambassadors. Student Ambassadors are expected to give campus tours and share the extraordinary opportunities they have experienced at McKendree.

## HOLMAN LIBRARY

Holman Library, completed in 1969, houses a collection of books, periodicals, government documents, audiovisual equipment, and materials available to all students for check-out or in-library use. The library also provides ample space for students to study, including individual study spaces and group study rooms. The library also offers a Mac computer lab, scanners, and collaborative workstations.

In addition to the materials available in the library, other resources can be accessed via interlibrary loan. The library belongs to the CARLI consortium, which allows you to request items through many academic libraries throughout the state of Illinois. We also offer interlibrary loan services for journal articles.

The library staff is always available to assist you in locating materials, and staff members can also help you get started on research for papers and projects.



## INFORMATION TECHNOLOGY DEPARTMENT

Situated in the lower level of the Piper Academic Center, the Information Technology Department and HelpDesk office hours are Monday – Friday from 6:00 am to 5:00 pm. Support is also available via email at [helpdesk@mckendree.edu](mailto:helpdesk@mckendree.edu) or by phone at (618)537-6445. Information Technology provides a variety of services to students. These services include login assistance, student ID cards, computer and mobile device support, e-mail assistance, on-campus internet services, which include on-campus wireless access, and more. Please visit [support.mckendree.edu](http://support.mckendree.edu) for a full list of IT services provided by the McKendree Information Technology Department.

## STUDENT SUCCESS & ADVISING CENTER

The Student Success and Advising Center, in the lower level of Clark Hall, offers writing and tutoring services, test proctoring, and help structuring class schedules, among other services. The Success Center can also help students with time management skills, study techniques, and navigating campus administration. McKendree’s Coordinator of Disability Services is in the Success Center.

## WRITING & TUTORING CENTER

The Writing and Tutoring Center offers face-to-face and appointments for various classes. Consultants in the Writing Center can assist with writing in any discipline, at any level online, and at any part of the writing process. Tutors can assist with understanding core concepts in classes. To schedule an individual appointment, or view the semester’s drop-in tutoring schedule, visit [www.mckendree.mywconline.com](http://www.mckendree.mywconline.com). The Writing and Tutoring Center is on the second floor of Holman Library, Room 208.

# YOUR INDIVIDUALIZED SUPPORT

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We recognize that not all students face the same obstacles as they make their way through college, and we do our best to ensure that each of our students has the support they need. Our **Office of Inclusive Education and Global Experience** spearheads our diversity and inclusion efforts, working with groups such as the Black Student Organization (BSO) and promoting programs such as Safe Zone training. **International Student Services** helps international students make the adjustment to a new academic and cultural environment, and staff also provide information and assistance regarding SEVIS (Student and Exchange Visitor Information System), passport and VISA information, certificates of enrollment, and employment permission. **Military and Veterans' Services** works with our current and former service men and women, as well as their families.

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## DISABILITY SERVICES

One of the functions of McKendree's Student Success and Advising Center is to serve and advocate for students with disabilities, ensuring equal access to educational opportunities and programs while promoting self-advocacy and independence. Reasonable accommodations are offered to students with disabilities who register with the Success Center.

In accordance with the Americans with Disabilities Act (ADA), McKendree University provides services, auxiliary aids, and accommodations to meet the unique learning needs of students with disabilities. The office is in the Student Success and Advising Center, in the lower level of Clark Hall. The Success Center is open year-round, including summer months.

Students with disabilities who need services, auxiliary aids, or accommodations to participate in McKendree University academic or co-curricular activities must contact the Coordinator for Disability Services and self-report their disability and specific needs. All documentation and consultation will be kept confidential. For more information, contact Disability Services at (618) 537-6562.

## INTERNATIONAL STUDENT SERVICES

McKendree's Director of Inclusive Education and Global Experience works with our international students to make their transition to the United States as seamless as possible. The Director is available for advice on immigration compliance regulations, school transfers, and personal matters.

## OFFICE OF INCLUSIVE EDUCATION AND GLOBAL EXPERIENCE

The Office of Inclusive Education and Global Experience works to encourage all students to participate in campus events and leadership opportunities. This office implements cultural activities that are of interest to non-majority groups of all kinds and sponsors meetings, training sessions, and workshops campus-wide that discuss issues of multiculturalism, diversity, leadership development, and academic skills enhancement.

# YOUR WELL-BEING

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The **Center for Faith & Spirituality** and **Counseling Services** are both available for students struggling with stress or anxiety. Early adulthood in general, and university specifically, can be a difficult time in a person's life, and it's important to not neglect your mental health. Equally important, of course, is physical health—whether you need a check-up or just need to grab some decongestant, **Health Services** is the place to go. McKendree's nurse practitioner is available to evaluate, treat, and prescribe, and the clinic contains a small shop with basic medical and health necessities.

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## CENTER FOR FAITH AND SPIRITUALITY

McKendree is a diverse learning community of multiple faiths and those who are non-religious. Within this diversity, the Center for Faith and Spirituality, located in Bothwell Chapel, seeks to provide a safe, supportive space for student growth through religious, spiritual, and ethical character development.

The Center promotes understanding and appreciation of the various traditions through educational and cultural programming and a wide range of activities including worship, educational events, cross-cultural programs, immersion, service, and mission trips that enrich students' hearts and minds. At McKendree, we seek to celebrate our differences and foster the development of effective and compassionate global citizens who seek to do the common good for all.

## COUNSELING SERVICES

McKendree offers individual psychological counseling through Counseling Services, located at 513 Stanton Street. Counseling Services strives to provide support and resources to everyone in the campus community, helping students navigate an exciting time of growth, exploration, and personal development. Many students find counseling helps them find balance, clarify their priorities, and make the best choices while at McKendree. Appointments can be made by calling (618) 537-6590, Mon. – Fri., 8:00 am - 4:00 pm. All counseling is confidential. Additionally, call the National Suicide Prevention Lifeline at 988 for community-based providers.

### PLEDGE OF SUPPORT

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When our community is shaken by tragic or abhorrent events on campus or beyond, Counseling Services staff acknowledge the significant impact of these events on the students we serve. As believers in every person's worth, we hold firm to the values of inclusion, multicultural diversity, and social justice. We believe in empowering **all people** - including those who are marginalized and oppressed - to act together to challenge injustice, condemn discrimination, and promote common humanity of equitable treatment and social cooperation.

We seek to foster a *community that is safe for all students*. Our reactions to controversial events vary across people. We are each uniquely affected. At the same time, we strive to understand and respect perspectives that may be different from our own. Therefore, we join voices in making this pledge to all McKendree University students: *your perspectives, values, and experiences will be welcomed* at Counseling Services. **You will be safe, you will be respected, and you will be heard.**

We want to remind you that **you are not alone**. There are a variety of resources and services to support you through challenging times. We applaud the efforts of campus organizations, student groups, and committed individuals who provide spaces for discussion of all forms of inequality at our university and in the wider world. We invite students to access these many resources. We also encourage you to reach out to Counseling Services as needed for appointments for individual counseling or tailored outreach presentations on request.

*(This pledge has been used and adapted with permission from our friends at Virginia Commonwealth University Counseling Service and CAPS at Duke University.)*

## HEALTH SERVICES

Available to all students, the Office of Health Services is available for appointments at the following:

- Mondays, Tuesdays, and Thursdays: 8:30 a.m. – 4:30 p.m.
- Wednesday and Fridays: 8:30 a.m. – 2:00 p.m.
- Saturdays and Sundays: Closed
- *Please note the Office of Health Services is closed from June 1 to July 31*

Students can book appointments with the nurse practitioner through the [Online Appointment System | Patient Fusion](#). Walk-in patients are welcome.

The office is at 521 Stanton Street. Services include assessment and treatment of common illnesses, injuries, and medical problems. Health education and over-the-counter medication are available at no charge. The nurse practitioner can evaluate, treat, and prescribe for illnesses and a continuum of care such as refills of routine medications. Students are encouraged to visit for information and advice concerning diet and nutrition, stress management, and exercise programs. More information on the variety of services offered is available on the Health Services page of the McKendree website. More severe medical problems are referred to local physicians or a physician of the student's choice.

Students needing medical attention after business hours or during the weekend should not wait until the Office of Health Services is open. Students can contact Public Safety for assistance and/or proceed to one of the emergency rooms or urgent care facilities listed below. In extreme emergencies, students should immediately contact Emergency Medical Services (911). Students are expected to coordinate their transportation to medical services off-campus for doctor visits, urgent care, etc. University officials cannot transport students to medical visits.

### **St. Elizabeth's Urgicare**

1516 North Green Mount Road

O'Fallon, Illinois

(618) 624-3450

Open 7 days/week, 8:00 a.m. – 8:00 p.m.

### **St. Elizabeth's Hospital**

1 St. Elizabeth's Boulevard

O'Fallon, Illinois

(618) 234-2120

### **Memorial Hospital East**

1404 Cross Street

Shiloh, Illinois

(618) 607-1000

# YOUR PERSONAL GROWTH

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The growth of our students as community members and leaders is a priority at McKendree; we seek to help our students become people who will ‘Make Their Mark’ on the world around them, wherever they go. **Career Services** will help to find you internship opportunities where you can put everything you've learned into practice. The **Lyn Huxford Center for Community Service** can help you get involved in Lebanon and the greater St. Louis community, while our **Study Abroad** coordinator can work with you if you want to take your education further abroad.

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## CAREER SERVICES

Career Services provides McKendree University students with comprehensive career planning and job search assistance. Staff members are available to help guide students in choosing a potential career, gaining career-related experience, and preparing for an effective job or graduate school search. They also provide information on off-campus part-time jobs, internships, and full-time professional employment opportunities.

Career Services sponsors various events and sessions throughout the year, creating opportunities where students can network and interview with employers. Students are encouraged to take an internship for academic credit during their junior and/or senior years to both prepare for the working world and to gain valuable experience. Make sure to visit Career Services early in your time at McKendree to best utilize their services! Contact (618) 537-6806 or stop by the office on the first floor of Clark Hall for more information about any of the services provided to students.

## LYN HUXFORD CENTER FOR COMMUNITY SERVICE

The Lyn Huxford Center for Community Service, located in Bothwell Chapel, aims to provide experiential learning and enriching service to engage McKendree University and its students with both their local and global communities. We strive to develop socially responsible global citizens through academic coursework, service experiences, educational programming, and opportunities for personal growth.

LHCCS works with partner agencies to serve the community, coordinating individualized service placements, weekly service opportunities, and group service projects. Through the LHCCS partnerships, we strive to build a spirit of service on campus that is carried with students into their lives and careers after graduation. LHCCS coordinates events and programs to build social awareness among the campus community.

## STUDY ABROAD

McKendree University encourages all Bearcats, starting sophomore year, to explore opportunities to study abroad. You can spend a semester studying in another country absorbing new cultures, languages, and ways of life, all while remaining enrolled at McKendree. Often, a student’s financial aid can be applied to offset the cost of this opportunity. Working individually with your advisor and the transfer coordinator to make sure the credits earned from classes taken abroad can be transferred back to McKendree keeps your graduation plans on track. These experiences will also boost your resume, giving you an edge in the job market post-graduation. Students from all disciplines can participate; the study abroad program is open to any student who has earned a minimum of 45 credit hours and has achieved a 2.75 GPA. Please contact the Coordinator for Study Abroad Programs in the Office of Academic Records (Old Main) for all the details.

# YOUR FINANCIAL NEEDS

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The Student Financial Services Office's guiding mission is to ensure that qualified students have every opportunity to continue pursuing their educational goals regardless of financial circumstances. However, the student is a necessary partner in seeking and obtaining financial assistance. Because there are so many different financial aid programs in place, students need to seek help early and follow directions carefully. Otherwise, students may not realize the full benefit of these financial aid programs.

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The many financial aid programs can be grouped into the following general areas:

## GRANTS

Grants are need-based awards to students, usually administered by federal or local governments. While grants do not have to be repaid, students must often meet specific requirements concerning academic achievement to continue receiving the grant.

## LOANS

Loans provide funds that must be repaid. Loans have varying requirements concerning the schedule for repaying borrowed money.

## SCHOLARSHIPS

Scholarships are financial awards given to students based on their achievement(s) or financial need. While scholarships do not have to be repaid, students must often meet specific requirements concerning academic achievement to continue receiving scholarships.

## UNIVERSITY WORK-STUDY

The University Work-Study program provides employment on campus for students who qualify for additional funding. Many departments on campus hire student workers; however, the number of positions available is limited, so students are strongly encouraged to apply early for work-study positions. Work-Study earnings are often used to repay outstanding debts to the University. However, students whose accounts are up to date may receive a check for work-study earnings, which they may use for incidental college expenses.

Students have several options for obtaining financial assistance, but **they must complete the application process to receive any aid**. The steps are as follows:

### COMPLETE THE FAFSA APPLICATION EVERY YEAR

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FAFSA applications are released after October 1 for the upcoming school year. It is important for students to read the FAFSA directions carefully and to submit the completed form as quickly as possible. Financial aid funds are limited, so students who do not complete the application in a timely fashion are jeopardizing their chances of receiving the full benefits of the financial aid programs.

### READ ALL FINANCIAL DOCUMENTS CAREFULLY AND FOLLOW DIRECTIONS

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Often students are unaware of problems that exist on their financial aid documents because they fail to read all documents carefully. Do not delay your financial aid application by failing to respond to inquiries promptly.

### TAKE NOTE OF THE REQUIREMENTS AND PROVISIONS OF FINANCIAL AID PROGRAMS

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In most cases, student financial aid awards are contingent upon satisfactory academic progress. Students on athletic/academic scholarships and those receiving federal financial aid, among others, should read program requirements carefully.

#### MAKE PAYMENT PLAN ARRANGEMENTS FOR OUTSTANDING DEBTS TO THE UNIVERSITY

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Students need to recognize that fees for tuition, housing, meal plans, and other costs are due at the beginning of each school term. The University offers payment plan options for overdue balances, but students need to make these arrangements ahead of time or they may lose their placement in classes or University housing. Applications for payment plans are available in the Student Financial Services Office.

#### FOLLOW THE PROPER PROCEDURES REGARDING ADDING/DROPPING CLASSES OR WITHDRAWING FROM SCHOOL

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Dropping a class or withdrawing from school does not necessarily relieve students from financial obligations. In addition, program changes may affect the amount of financial aid awarded. Therefore, students need to read and understand the procedures for making program changes, and to consult with financial aid to learn if financial aid awards will be affected.

Most importantly, students who have questions concerning financial aid should contact the Student Financial Services Office, located on the first floor of Wildy. Do not allow small problems to become big problems by failing to act.

# LIVING ON CAMPUS

## WHAT YOU NEED TO KNOW

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Of the many changes you will encounter as you make the transition to university life, perhaps the most significant one involves moving away from home and into a community with your peers. Although living on campus might feel strange and perhaps even frightening at first, it will also prove to be a rewarding experience. Living on campus plays an integral role in your liberal arts education. As a member of a community of scholars, you will learn to balance individual freedom with community responsibility and to respect and appreciate individual differences.

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# RESIDENCE LIFE

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The Office of Residence Life plays a vital role in supporting the academic mission of McKendree University by creating an atmosphere that encourages holistic development. We are committed to providing a safe and well-maintained residential community while promoting student success. We value an environment that fosters mutual respect, responsible citizenship, and supports educational opportunities to supplement our residents' overall experience.

## RESIDENCE LIFE STAFF

Residence Life staff members are responsible for helping students develop a positive community on campus, enforcing University policies, and intervening in emergencies. Each residence life staff member serves as a resource to help students transition to the University community. Residence Life staff can be contacted 8:00 a.m. to 5:00 p.m. Monday through Friday, at (618) 537-6855, and at the duty numbers listed below during nights, weekends.

### RESIDENCE LIFE DUTY NUMBER

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Baker Hall	(618) 975-4388
Barnett Hall	(618) 975-4388
Hunter St Apts.	(618) 304-6366
McKendree West Apts.	(618) 975-4386
Residence Hall East	(618) 304-6366
Residence Hall West	(618) 304-6366
Summerfield Suites	(618) 304-6366
Walton Hall	(618) 975-4388
McKendree West	(618) 975-4386

Resident Assistants (RAs) are carefully selected full-time undergraduate students who live and work in every residential area. Resident Assistants plan activities and programs for the floor community, enforce university policies, conduct monthly health and safety inspections, and report needed repairs.

Student Academic Mentors (SAMs) provide academic assistance to residential students in the living spaces and during nightly study hours in the Academic Learning Center.

Each residential area is also staffed with an Area Coordinator (AC) or Resident Director (RD). These staff members are full-time student affairs professionals who live and work in residential areas. The professional staff is responsible for the overall operation of the building or complex. They supervise the building staff, advise various student groups, and assist students and staff in coordinating programs and activities. The professional staff also serve as a resource for students who are experiencing problems. Both student and professional staff serve in on-call capacities for their residential area. Staff members on-call make rounds of their area to ensure the safety and security of buildings and are available for residents who need assistance.

## MAINTENANCE

McKendree University employs its own Custodial and Physical Plant/Maintenance staff to clean and maintain the residence halls through the University's Physical Plant department. On the weekend, the custodial staff works during the day with a limited workforce. Physical Plant/Maintenance staff handle most repairs and work in cooperation with the grounds crew on campus.

If you need a non-emergency item fixed in your room, go to My Mck on the McKendree University webpage, select the Submit a Physical Plant Work Order tile, and then complete and submit your work order. Work order forms are handled based on priority by the Physical Plant staff. Physical Plant/Maintenance staff will be dispatched as quickly as possible in response to emergencies. To

report an emergency maintenance situation, contact the Physical Plant at (618) 537-6969. After hours, contact either Public Safety at (618) 537-6911 or the duty number for your residential area, which can be found on the Residence Life website.

## CHECK-IN AND CHECK-OUT

All residents must check in and out of the residence halls at designated times. At the end of each semester, students must check out within twenty-four hours of their last final examination. Students completing a final check-out of their room must make an appointment with their student or professional staff member. Students who fail to follow check-in or check-out procedures may be charged a \$75.00 fee. Students do not have access to residence halls or rooms during periods when the school is in recess unless they have received specific permission in advance to remain in the halls during the break period. The University does not provide storage space for student furnishings during the summer term. **Students must plan to take all furnishings and possessions home or store them in a commercial storage facility.**

## IDENTIFICATION CARDS

Student identification cards may be obtained through the Office of Information Technology on the lower level of Piper Academic Center. Student identification cards are the property of the University and **must be surrendered upon request**. Initial cards are available to students at no charge; however, to reissue any subsequent cards, a student will incur a fee per card. **All McKendree students must carry their identification cards with them and may not give them to others for use.**

## KEYS

Upon checking into the residence halls, students are issued keys to their residence hall rooms. Students may also be issued keys to building entrances and mailboxes. All keys are the property of the University, may not be duplicated, and **must be surrendered upon request**. Students are urged to keep their doors locked and not allowed to loan their keys to others. Students who misplace their keys are encouraged to notify their Area Coordinator/Resident Director as soon as possible. Students who lose, damage, or have their key(s) stolen are assessed a \$200.00 fee for key/lock replacement. Students who are temporarily locked out of their rooms may request that a Residence Life or Public Safety staff member open their doors for them. Staff may request proper identification before doing so. **All McKendree students must carry their keys with them.**

## MAIL

U.S. Mail and Campus-originated mail is sorted and delivered Monday through Friday by Mailroom staff. Mail is delivered by university staff to student mailboxes throughout the week. (Summerfield Suites residents pick up their mail at Printing and Mail Services in Eisenmayer Auditorium.) Students are not permitted access to any other mailbox except their own, and they must utilize their keys to access their mail. Students must not misplace others' mail, including their roommates'. Opening, mishandling, or tampering with another person's mail is a criminal offense.

## ROOM CHANGES

Room changes may be requested if space is available, and the student has made a reasonable effort to resolve any conflicts occurring with roommates. All requests for room changes must be initiated by emailing the Office of Residence Life ([reslife@mckendree.edu](mailto:reslife@mckendree.edu)) to request mediation. All room changes are subject to approval by the Assistant Director or Director of Residence Life. The student initiating the room change is responsible for notifying the current roommate(s) of the room change. Typically, the student seeking a room change will move out of the room. Under no circumstances may one student force another student to move to accommodate their desired roommate request. Students who wish to move in together will be placed in an available room, or a room trade will be arranged with the consent of all parties involved. Students are not permitted to move until receiving approval from the Assistant Director or Director of Residence Life. Fines may be assessed for those who move without approval.

## HOUSING SELECTION PROCESS

Returning students sign-up for housing each spring semester through the housing renewal process. The housing application process involves signing a binding contract for the entire undergraduate academic career. Students must read all the terms and conditions of the housing contract carefully. New first-year and transfer students will be placed in the order of when their application is received. Applications are available at the beginning of February for Fall incoming students and available at the beginning of November for Spring incoming students. For more information on housing applications and the housing renewal process, please see the Residence Life [pages](#) on McKendree's website.

## ROOM CONDITION/DAMAGES

Residence Life staff members conduct periodic checks of individual residence hall rooms to ensure that rooms are being maintained in a manner that does not present health or safety concerns for the student or the University. Notice will be given to residents at least 24 hours before inspections. Residents are not required to be present for inspections. Students whose living spaces contain violations of university policy or present health and/or safety concerns are required to make the necessary corrections within twenty-four hours and to schedule a re-inspection with Residence Life staff. Any policy violations found during these inspections are documented and handled through the University's conduct process.

Rooms are also inspected when students check out. If a staff member notices that damage has occurred to a room or common area, they report the damage to the Physical Plant department for repair. Students may be required to pay for damages beyond normal wear and tear occurring in their living area and any cleaning required of the student but not completed. All students share responsibility for monitoring common areas such as restrooms, hallways, and stairways. Damages/messes occurring in common areas may be charged to all residents of the floor, unit, or building. A closing walkthrough is done by the Office of Residence Life and a final evaluation of the room.

## ROOM DECORATIONS AND FURNISHINGS

The University provides basic furnishings for all residence halls, which includes a bed (Twin XL), desk, chair, closet/armoire, and dresser. Furnishings may vary between residence halls or rooms. For more information on furnishings and amenities for each residence hall, students should visit [www.mckendree.edu/student-life/res-life/life/residence-halls](http://www.mckendree.edu/student-life/res-life/life/residence-halls). Students are encouraged to bring additional decorations and furnishings with consideration of the following guidelines:

1. Furnishings provided by the University may not be removed from residential assignments or swapped between residential assignments. Storage space is not available for these items. Furnishings that are attached to the walls may not be separated and moved. Waterbeds are not permitted. Additionally, lofting beds are not permitted, as McKendree beds cannot be lofted safely. However, students may bunk their beds and should contact your Area Coordinator/Resident Director to receive the items necessary for bunk beds.
2. Students should exercise caution when furnishing rooms with valuable items such as televisions, stereos, and video games as these items attract theft. **The University is not liable for student property and does not provide insurance for residents' property.** Residence Life recommends that all students purchase renters' insurance, as the University does not take responsibility for any items that may be lost, stolen, or damaged. Students should also understand that the University may require students to remove sound equipment if it is used improperly and disturbs others.
3. Any electrical appliances must be UL-listed to U.S. safety standards. Portable space heaters, halogen lamps or lights, or any other devices containing open heating elements are prohibited. A full list of prohibited items can be found on the Residence Life website.
4. In decorating rooms, students should refrain from putting nails or screws into the walls or doors. Students should also refrain from utilizing contact paper and other adhesives that can destroy painted surfaces. Mounting putty is the preferred and acceptable medium for hanging posters and other decorations. Damage or required cleaning caused by decorations will result in charges to the student(s) responsible.

# CAMPUS DINING

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The Sodexo Food Service team operates two dining facilities on campus: 1828 Cafe and Ames Dining Hall. Each has a unique flavor and atmosphere. It is the goal of the department to provide excellent customer service and the highest quality food. Ames Dining Hall offers a variety of dining platforms, with homemade soups, an exhibition cooking station, a deli with made-to-order sandwiches from only the freshest of ingredients, hot entrees, hand-tossed pizza, and a grill. We offer vegetarian/vegan options daily. Seasonal special events and meals are held periodically throughout the year to offer menu variety. 1828 Cafe has a diverse and expansive menu of breakfast specialties, hot sandwiches, fresh salads, soups, snack items, Starbucks coffee, and smoothies with daily menu specials. This convenient location is open day and evening hours Monday through Friday.

Students with food allergies or special dietary needs can speak with a member of the management team to discuss accommodation. We maintain an all-you-care-to-eat policy at Ames Dining Hall. Students are not permitted to take food and drink items out of the facility for later consumption. All dishes and silverware must also remain at Ames. Students in violation of Dining Hall rules will be subject to sanctions as outlined in the Code of Student Conduct found in this handbook.

Though our intention is for our mealtimes to meet the needs of all students, we understand that this is not always possible. In cases where a student knows they will be unable to visit Ames during scheduled meal periods, a sack meal can be ordered (with 24 hours' notice) for pick-up at 1828 Cafe. This must be pre-arranged by filling out a request form at 1828 Café during regular business hours. You can request a one-time sack lunch or set up a weekly schedule, depending on your needs.

## MEAL PLANS

Meal plans are used at Ames Dining Hall during scheduled mealtimes seven days each week. The 15 and 19 meal plans allow for meal exchange in 1828 Cafe from 1:30 p.m.-3:00 p.m. Monday through Friday and 7:00 p.m.-9:00 p.m. Monday through Thursday if the patron misses the previous meal in Ames Dining Hall. Flex Dollars can be used at either dining location. We recognize the value of choice and offer the following meal plan options:

### 10 MEALS PER WEEK + \$100 FLEX PLAN

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This meal plan is created for the on-the-go student who is planning on eating only 1-2 meals/day in the dining hall and prefers more Flex Dollars for maximum flexibility - perfect for commuter students or those who go home frequently on the weekends.

### 15 MEALS PER WEEK + \$75 FLEX PLAN

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This plan allows patrons to enjoy 15 meals per week, plus 75 Flex Dollars to be used at either facility. Includes meal exchange.

### 19 MEALS PER WEEK + \$50 FLEX PLAN

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This most traditional plan allows a student to enjoy all meals served weekly in the Ames Dining Hall, plus 50 Flex Dollars to be used for snacks or drinks in-between meals. This plan includes a meal exchange.

### 25 MEALS PER SEMESTER

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This plan gives commuters and residents who live in apartments 25 meals for the semester. No flex included. No meal exchange.

## BOGEY BUCKS

Bogey Bucks are available to all students. Bogey Bucks can be purchased online at <http://mckendree.sodexomyway.com> or by visiting the cashier at either dining location. Bogey Bucks carry over from the fall semester to the spring semester **but expire at the end of each academic year**. For students on meal plans, Bogey Bucks offer additional savings when Flex Dollars have been used up. For students not required to be on a meal plan or commuter students, Bogey Bucks offer convenience for use in Ames Dining Hall or 1828 Café. A prepaid amount is linked to your McKendree student ID card and can be used to purchase food from Ames Dining Hall or 1828 Café. No need to carry cash! For more information contact Dining Services at (618) 537-6985.

# SAFETY ON CAMPUS

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To ensure the safety of members of the University community, McKendree maintains a staff of public safety officers. The Office of Public Safety is at 802 College Road, and public safety officers patrol the campus twenty-four hours per day throughout the year. Public safety officers are responsible for maintaining a safe and orderly environment on the campus; assisting members of the University community as needed; responding to emergencies including fire alarms, inclement weather alarms, and other incidents; and enforcing University policies and regulations.

Public Safety may be contacted by telephone at (618) 537-6911 or (618) 792-3500. When leaving a message for Public Safety, please be sure to include your name, your location, and a phone number at which you can be contacted.

Public Safety is responsible for enforcing University policies and regulations directly affecting the maintenance of a safe and secure environment on the campus. It is the responsibility of all members of the University community to know and understand the University's policies and regulations, as outlined in this Handbook. It should also be noted that any actions prohibited under local, state, or federal law also violate University policy, and public safety officers are required by law to intervene in such cases.

McKendree University has employed video surveillance cameras in some places to enhance the safety and security of students, employees, and property. The primary intent of these video surveillance cameras is to enhance safety and security while discouraging behavior that violates laws or policies, as well as securing evidence that enhances the likelihood of identifying offenders through post-incident investigations of crimes. Viewing of video surveillance camera footage (either live video footage or recordings) will be conducted only by authorized personnel.

The privacy of our community members is a fundamental principle in the design and implementation of the use of video recording on campus, including compliance with the State of Illinois Biometric Information Privacy Act. Cameras are only placed in academic, administrative, and residential buildings' common areas, hallways, and entrance points. Areas where there is an expectation of privacy, such as bathrooms or locker rooms, are never covered by the video surveillance camera. These cameras are not monitored 24/7.

Campus safety and security are a community responsibility. Public safety officers rely upon others in the community to cooperate by reporting all incidents and activities that might cause injury to others or property and by behaving in a manner consistent with the University's policies and regulations. Students and others can also reduce the risk of becoming involved in incidents by taking some simple precautions:

- Exercise caution when walking on campus, especially at night. When possible, travel in groups, and always keep an eye out for strangers when walking on campus.
- Drive carefully. Be extra cautious while driving in parking lots.
- Keep cars and residence doors locked. Never leave car or residence hall room doors unlocked for any reason. Also, refrain from allowing others to use your car or to remain in your room unattended.
- Report suspicious behavior to Public Safety. If students notice suspicious people walking around campus or in the buildings unattended, they should contact Public Safety. All guests on campus must be escorted.
- Refrain from using alcohol or other drugs. Alcohol impairs judgment, awareness, and motor functions, and students are more likely to be injured or victimized. Students should remember that they are still responsible for any actions they take while intoxicated.
- Sign up for campus text alerts using the Omni Alert tile on the MyMcK webpage:  
<https://mckendree.omnilert.net/subscriber.php>

The University enacts several policies designed to minimize the risk of injury and loss due to emergencies. Still, sometimes, unforeseen emergencies may occur. Students are directed to contact a residence life staff member or a public safety officer when an emergency arises. Students should also adhere to the following guidelines:

## FIRE

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When a fire is discovered or when a fire alarm sounds, all students must exit the building in an orderly fashion and go to the designated waiting area. If possible, students should close doors behind them as they leave. Students should also exercise caution in going into areas where fire or smoke is present. Students should refrain from tampering with fire safety equipment since this equipment must remain in working order. Students who tamper with fire safety equipment, including entering or exiting alarmed fire doors, will be prosecuted and fined.

## INCLEMENT WEATHER

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When inclement weather is indicated, students are asked to follow instructions as given by personnel from Residence Life or Public Safety. Students may be required to evacuate, particularly those on higher floors of residence hall buildings. Students should exercise caution when moving around during inclement weather. When a tornado or earthquake is suspected, students should try to seek shelter away from exterior walls and take precautions to protect themselves from flying or falling debris.

## THEFT

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Prevention is the key to avoiding personal loss due to theft. While you cannot control the behavior of others, you can take steps to minimize the risk that you will be victimized. To prevent theft, keep your room and vehicle doors closed and always locked and avoid displaying valuables openly. Students should also refrain from carrying large amounts of cash. Record your checking, savings, and credit card account numbers, and keep this information in a secure place. These accounts may then be deactivated conveniently if the need arises.

## ACCIDENTS

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All automobile accidents on campus should be reported to Public Safety. In case of an accident, the following steps should be taken:

1. Secure the area of the accident to ensure no one is injured entering or exiting vehicles.
2. Attend to any persons who are injured and contact Public Safety. A public safety officer will call for an ambulance if necessary. Do not move an injured victim unless you must do so to prevent further injury.
3. Work with the public safety officer on the scene as he or she writes the accident report. The officer will then help share registration/insurance documentation among the parties involved.

The University assumes no liability for damages to a vehicle due to weather, sporting events (foul balls), or vandalism. A student's insurance policy should be consulted in those situations.

# TRANSPORTATION

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## PARKING

Campus parking is available for your convenience; however, the University is not responsible for damage or theft to vehicles or contents. All parking lots are subject to all city, state, and federal laws or ordinances.

People parking in campus parking lots are required to register their vehicles with the Public Safety Office. Information needed to complete the registration includes the following:

1. Student, Faculty, or Staff ID number
2. Driver's License
3. Vehicle information (manufacturer, model, year, color, and license plate number)

Parking stickers can be picked up at the Office of Public Safety at 802 College Road with your McKendree ID and your driver's license. If the office is locked, contact (618) 537-6911 or (618) 792-3500 to arrange for an officer to meet you at the office.

Parking stickers are designated as follows:

1. White stickers are issued to faculty and staff.
2. Purple stickers are issued to students.

There is no fee for parking registration.

Parking lots are named alphabetically and have signs designating the authorized stickers for that lot. Vehicles with white stickers can park in any campus parking lot. Purple stickers may park on parking lots that are coded with the purple sticker (Lots C, D, E, F, G, H, I, and J).

Parking lot speed limits are designated at 5 miles per hour unless otherwise posted.

Following the ADA (Americans with Disabilities Act), parking spaces have been reserved for persons with disabilities. If you have a disability, state law (625 ILCS 5/1-159.1) mandates that you display the pertinent information either by state-issued license plate or hanging tag which is properly displayed. Anyone parking in violation in these spaces is fined at least \$250.00 (625 ILCS 11-1301.3c). Local municipalities may increase the fine to \$350.00. Note: Injured persons are not considered disabled unless they procure the appropriate designation from their doctor and their respective State Department of Motor Vehicles (for Illinois the Department of Motor Vehicles helpline is 1-800-252-8980). The Public Safety Office is not authorized to grant any exemptions to this law.

Parking lots may occasionally be reserved for special activities of the University. Generally, advance notice of the reserved locations and times will be published to the campus community by email. Individuals normally parking in lots reserved for special activities should make other parking arrangements while the lot is reserved. Vehicles parked in restricted areas (e.g. reserved parking lots, parking spaces, fire lanes, bus stops, etc.), unregistered vehicles, or vehicles that are parked in violation of parking regulations are subject to being towed without warning at the owner's expense. If you need to use a different vehicle on campus for a short time, you may register that vehicle for a temporary parking pass.

### PARKING CITATIONS

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Parking citations or warnings may be issued when a vehicle is parked or driven in violation of University parking rules and regulations. It is the Public Safety officer's discretion to cite or warn. The Office of Public Safety is authorized to enter or tow motor vehicles from university property at the owner's expense when the vehicle violates parking regulations. University fines and corrective action may be required before the release of a vehicle from impound. If parked in a fire lane, roadway, or other space where access by an emergency response vehicle may be restricted, the abandoned vehicle may be towed by Public Safety.

Parking citation fines are \$50.00, except when the violation is in a handicap parking space (see information above). Fines are billed directly to a faculty/staff/student account. Fines are paid at the University Business Office in Wildy Hall during regular business hours. Visitors on campus who receive tickets can mail payment to McKendree University Business Office, 701 College Road, Lebanon, IL 62254.

Should you wish to contest the validity of a parking citation you may complete the Ticket Appeal located on the Public Safety webpage at: [www.mckendree.edu/ticketappeals](http://www.mckendree.edu/ticketappeals). Once a citation has been issued the officer no longer has the discretion to change the ticket, and the appeal process must be completed according to policy. Citations may be appealed within 10 business days from the time the citation was issued.

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#### ABANDONED VEHICLES

When Public Safety determines a vehicle to be derelict, abandoned, no longer in working order, or otherwise creating a hazard, Public Safety will make a reasonable attempt to locate the owner to request that the vehicle be moved off campus. If the owner refuses to move the vehicle or if no owner can be identified, the vehicle will be towed, and the registered owner will be responsible for towing and storage charges.

Disabled or otherwise immobile vehicles will be considered "abandoned" after 30 days and subject to tow at the owner's expense.

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#### PERSONAL TRANSPORTATION DEVICES

Personal transportation devices, including segways, mopeds, unauthorized golf carts, ATVs, and other motorized personal transportation devices, are prohibited.

All abandoned personal transportation devices, such as bicycles, skateboards, roller skates, and other similar wheeled vehicles, must be removed from campus at the end of the spring semester every year. Personal transportation devices left on university property for more than five (5) days following graduation will be considered abandoned property. These devices will be impounded and disposed of by the Office of Public Safety.

**This policy does not prohibit the use of motorized wheelchairs or other devices authorized by the University to accommodate anyone with a disability or special need.**

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#### OTHER NOTABLE INFORMATION

1. Parking in Circle Drive at the Fountain is prohibited.
2. Parking in the Ames Loading Dock area (rear of the building) is prohibited.
3. Parking on the grass, over painted lines, or in areas not normally designated for parking is prohibited, except when authorized by Public Safety.
4. Failure to register a vehicle at the Public Safety office or fraudulent use of the registration process can result in fines of \$100 and/or towing of the vehicle at the owner's expense.
5. Students who show a continual disregard for parking and/or driving regulations (e.g. criminal damage to property, excessive unpaid citations, etc.) risk losing their privilege of having a vehicle on campus. Vehicle rights may be revoked by the Vice President for Student Affairs upon recommendation by the Office of Public Safety.

## PUBLIC TRANSPORT

For transportation around McKendree University, please use the Bogey Bus, our campus transportation system.

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#### PUBLIC TRANSIT on DEMAND

VanGo is now part of the SCCTD public transportation platform but is different from many traditional services. With SCCTD VanGO, you can download an app to their phone (SCCTD VanGO) for free in mobile app stores or they can call and book a ride over the phone by calling this live support number (618) 268 – 1842. Once a ride has been booked, one of the VanGO, wheelchair-accessible transit



shuttles will arrive to pick up riders within a block of their designated location within minutes of booking their ride and take them to their designated destination within the zone.

CABS

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Metro East Cab	(618) 874-0100
Mid America Cab Company Ltd.	(618) 277-1515
St. Louis County & Yellow Cab Company	(314) 656-6705

METROLINK LIGHT RAIL SYSTEM

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The Metrolink Light Rail system provides a convenient transportation option for getting to the downtown St. Louis area, Lambert Airport, and Belleville, Illinois. Listed below are station locations in Illinois:

5th and Missouri	150 North 5th Street in East St. Louis
Southwestern Illinois College	Green Mount Road and Carlyle Avenue
Belleville Station	Scheel Street (2 blocks east of Douglas Avenue)
Swansea Station	Metro Way and North Illinois Avenue
Memorial Hospital Station	Flanagan Road 2 blocks north of Illinois Rt. 161 and 57 <sup>th</sup> Street
Shiloh/Scott Air Force Base Station	Off of Hwy. 158 at Metro Plaza Lane
Fairview Heights Station	Illinois Rt. 161 and St. Clair Avenue
Washington Park Station	Illinois Rt. 111 (Kingshighway) and St. Clair Avenue
Jackie Joyner Kersee Station	25th Street in East St. Louis (NO PARKING)
Emerson Park Station	Baugh Avenue and 15th Street in East St. Louis
Casino Queen	Casino Queen Riverboat Casino in East St. Louis on the Riverfront

For more information on Metrolink pricing, call (314) 982-1400 or check out the website at [www.metrostlouis.org](http://www.metrostlouis.org).

TRAINS AND BUSES

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Amtrak	1 (800) 872-7245	<a href="http://www.amtrak.com">www.amtrak.com</a>
Greyhound Bus Lines	1 (800) 231-2222	<a href="http://www.greyhound.com">www.greyhound.com</a>

# MCKENDREE UNIVERSITY

## CODE OF STUDENT CONDUCT

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The mission of the Office for Student Affairs is as follows:

*We help our students understand that learning is a holistic and ongoing experience that integrates classroom knowledge with out-of-class educational opportunities. Students are encouraged to grow and develop through participation in programs, services, and a living environment that promotes self-actualization through action, reflection, and emotional engagement. Ultimately, our objective is to graduate students who are prepared for leadership and productive citizenship and who can effectively function in and contribute to an increasingly diverse, technologically advancing, and more complex national and international society.*

This section of the Student Handbook contains the McKendree University Code of Student Conduct. The Code helps foster the pursuit of knowledge and provides a judicial process that ensures fairness to students who are alleged to have violated University regulations.

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# GENERAL PURPOSE

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McKendree University is committed to an educational and developmental conduct process that balances the interests of individual students with the interests of the University community. A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its organization functions. The Student Handbook and this Code of Student Conduct intend to serve these purposes in the interest of all segments of McKendree University.

The University Code of Student Conduct establishes a judicial process that is fair and equitable to students who may have violated the regulations of the University and that issues responsibility to those who violate those standards, rules, and/or policies. This is achieved by utilizing thorough, neutral, and impartial practices and generating prompt resolutions. The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior does not align with our policies.

The Code of Student Conduct outlines these behavioral standards for students and student organizations. The Code intends to educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the Code of Student Conduct. Any student or student organization found responsible for misconduct may be subject to university sanctions.

No student shall be found in violation of university policy without sufficient information and evidence that show that it is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the violation's severity and to the student's cumulative conduct history. Sanctions are chosen to challenge students' moral and ethical decision-making and to bring their behavior in line with community expectations and values. When a student is unable to adhere their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community. <sup>(06)</sup>

Students are responsible for knowing the information, policies, and procedures outlined in this document. Students agree to abide by the standards, rules, and/or policies set forth in the Student Handbook, the Code of Student Conduct, the Undergraduate and/or Graduate Catalog, and other official University publications. Student organizations also agree to follow these standards, rules, and/or policies.

The University or its representatives may amend this document at any time without notice. Once changes are posted online, they are in effect. Dissemination of changes to the Code of Student Conduct by electronic notification outlets and/or official campus publications also informs students of updates.

# STUDENT RIGHTS AND RESPONSIBILITIES

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All McKendree students are afforded specific rights and responsibilities as part of the university conduct process. Information gathered during the conduct process may only be shared with faculty, staff, students, and/or advisors directly involved in the incident or necessary to the student conduct process. The University may also disclose gathered information to comply with a judicial order or lawfully issued subpoena.

It is the student's responsibility to:

1. Be responsive to all correspondence from the University in a timely manner;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the conduct process; and
4. Review the Code of Student Conduct to fully understand all aspects of the conduct process.

A student has the right to:

1. Be subject to a prompt, fair, and equitable process.
2. Be accompanied by an advisor to any Judicial Hearing.
3. Refrain from making any statement relevant to the investigation. Students are expected to cooperate with the University conduct process but may elect not to participate, either in part or entirely. However, once a student has refused to participate in the conduct process, whether in whole or in part, they lose the option of providing information for the duration of the conduct process.
4. Provide information and evidence in support of their case.
5. Know if they have been issued any allegations of misconduct.
6. Know the range of sanctions that may be imposed for a conduct violation, if one is found responsible.
7. Know the McKendree University conduct policies and procedures, and where to find them.
8. Know that any information provided by a person(s) involved in the investigation may be used in the conduct process.
9. Know that if a student makes any false or misleading statements during the conduct process, that student could be subject to further judicial action.

The Student Affairs website gives students at the University an electronic copy of the Code of Student Conduct annually as a link. Students are responsible for reading and abiding by the Code of Student Conduct.

# STATEMENT ON NONDISCRIMINATION

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McKendree University complies with all applicable anti-discrimination laws and regulations, including but not limited to: Title IV of the Higher Education Act of 1965, as amended; Title IX of the Education Amendments of 1972, as amended; Title VI of the 1964 Civil Rights Act, as amended; Title VII of the 1964 Civil Rights Act, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act, as amended; and, all other federal, state, and local anti-discrimination and equal opportunity laws and regulations including the Illinois Human Rights Act. McKendree University will not discriminate or retaliate based on race, religion, sex, pregnancy-related conditions, gender, color, national origin, ethnicity, age, disability, sexual orientation, or gender expression and identification in any phase of its admissions, financial aid, educational, athletic, or other programs or activities or, with respect to its employment practices. McKendree University is also committed to enhancing the cultural and gender diversity of the University.

Students and employees, including applicants, who believe they may have been discriminated against, may contact the University's Compliance Officer at the university's address or by telephone at (618) 537-6533 or they may contact the Equal Employment Opportunity Commission or the Illinois Department of Human Rights. McKendree University is also authorized under federal law to enroll non-immigrant alien students. McKendree University supports the "Eight Keys and the Principles of Excellence for Serving Veterans" published by the U.S. Department of Education and complies with the Uniformed Services Employment and Reemployment Rights Act. [\[OOB\]](#)

## THE CONDUCT SYSTEM

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### RESPONDENTS, COMPLAINANTS, AND APPELLANTS

Throughout the Code of Student Conduct, several terms are used to refer to the participants in the judicial process. The **Respondent** is the student alleged to have committed the violation. The **Complainant** is the party who reported the alleged violation or against whom the alleged violation was committed. An **Appellant** is a Respondent—or, in cases involving sexual misconduct, possibly a Complainant—who has requested an appeal.

### ORGANIZATION

The authority to enact and enforce University regulations is vested in the Board of Trustees, the President of the University, and any university officials to whom the President delegates such authority. The Provost's Office and the Office for Student Affairs are the principal agencies for the administration of student conduct. Officials from these university offices, and their designees, are selected to oversee the investigation of allegations of student misconduct.

The following personnel and committees oversee the conduct system:

#### THE OFFICE FOR STUDENT AFFAIRS

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The Office for Student Affairs is the principal agency for organizing all conduct procedures. The Vice President for Student Affairs & Dean of Students designates University staff as Conduct Officers to oversee the university conduct process.

#### CONDUCT OFFICERS

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Conduct Officers are trained administrators designated by the Vice President for Student Affairs whose role is to conduct a thorough, reliable, and impartial investigation; to make decisions of responsibility; and to assign sanctions, when appropriate, in a conduct hearing. In cases involving allegations of Title IX Sexual Harassment, the Title IX Coordinator or the Deputy Title IX Coordinator will provide an Investigator and Hearing Officer/Panel to adjudicate.

## FACULTY ACADEMIC INTEGRITY COMMITTEE

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The Faculty Academic Integrity Committee is comprised of trained University faculty members whose role is to uphold the academic standards of the University in all matters involving academic integrity, including, but not limited to, cheating, sabotage, duplicate submission, and plagiarism. The McKendree University Academic Integrity Judicial Procedures are in the undergraduate and graduate course catalogs.

## SEXUAL HARASSMENT

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The Title IX Coordinators oversee cases of Title IX policy violations involving discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, sex-based harassment, sexual assault, dating and domestic violence, and stalking. Cases are referred to an Investigator and Hearing Officer/Panel. Sexual Harassment cases not meeting the criteria for a Title IX policy violation will be handled through the Student Code of Conduct process.

## JUDICIAL HEARING BOARD ("THE HEARING BOARD")

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The Judicial Hearing Board is comprised of three trained faculty/staff members representing the University community. The hearing board facilitates judicial cases not related to academic or Title IX policy violations but with concerns that may lead to suspension or expulsion should the Respondent(s) be found responsible for policy violations.

## ADVISORS

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An advisor of the student's choosing may accompany the student throughout all aspects of their case and to all Judicial Hearings. An advisor can be any one of the following: (1) a member of the McKendree community (faculty, staff, or student), (2) a support coordinator, (3), a parent or legal guardian, (4) a relative, or, in situations involving criminal legal proceedings, (5) an attorney. An advisor may not speak, be a witness, or otherwise participate on behalf of the student. An advisor's role is that of support – they do not have an active, participatory role in the conduct process. If an advisor for the student is an attorney, an attorney for the University must also attend the hearing on behalf of the University. Communication concerning all aspects of the case goes directly to the student. Advisors must sign a FERPA waiver.

Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Judicial Hearing(s), as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Conduct Officer upon written request five (5) business days in advance of the scheduled hearing date.

## STUDENT LEGAL COUNSEL

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If a student chooses to seek legal counsel about their conduct proceedings, they may do so under the following circumstances:

1. The University is being represented by legal counsel; and/or
2. The alleged policy violations could result in civil or criminal charges against them.

Legal counsel can be present at the hearing and may advise the student of their rights and responsibilities relative to possible civil action but may not otherwise participate in the campus hearing. If a student chooses to be represented by legal counsel, or a non-legal representative, they must submit the Legal Counsel Request Form (which can be obtained in the Office for Student Affairs) to the Office for Student Affairs five (5) business days in advance of the scheduled hearing date. Conduct Officers or the Office for Student Affairs will provide the form at the students' request.

# JURISDICTION

## STUDENTS

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The Code of Student Conduct applies to any individual admitted into an undergraduate or graduate course or an online program at McKendree University. The Code applies to any student behavior from the time of admission through the University's confirmation of graduation. The University maintains conduct authority over students for any misconduct that occurred before a leave of absence, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied before re-enrollment.

## OFF-CAMPUS CONDUCT

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When alleged violations of university regulations or local laws take place off-campus and come to the university's attention, the university reserves the right to take appropriate action when, in the judgment of university officials, the alleged conduct has a negative impact on the university community, the pursuit of its mission, or the broader community in which we live. This system will not, however, be utilized to settle lease agreement disputes between property owners and off-campus student tenants.

## LAWS AND STATUTES

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The university and members of its community are also subject to all local, state, and federal laws. Alleged violations of local, state, or federal laws and statutes that occur on or off-campus are also considered violations of the Code of Student Conduct and may be subject to internal university investigation, review, and action, in addition to any action by the proper civil authorities. Each member of the community is individually responsible for being informed of the law. Ignorance of local, state, or federal law does not constitute an excuse for prohibited conduct.

## STUDY ABROAD

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Committing a violation can affect a student's status of good standing with the university and jeopardize their ability to participate in a study abroad program. As such, a student who plans to study abroad must notify the university's Coordinator for Study Abroad immediately of any pending conduct matter.

## SUMMER

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The Office for Student Affairs will determine the most appropriate way to handle violations during the summer months (May-August). During Summer Sessions, or while students are living in Summer Housing, the Office for Student Affairs may resolve any student conduct incident through a Judicial Hearing.

## STUDENT ORGANIZATIONS

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The Code of Student Conduct applies to the behavior of university student organizations, including athletic organizations and/or teams, and their members. The Office for Student Affairs will determine the most appropriate manner to handle alleged violations concerning student organizations and/or teams through the conduct process. A finding of responsibility for a student organization and/or team does not indicate the finding of responsibility for individual members. However, individual members may be subject to an individual conduct process separate from the student organization.

## ONLINE AND/OR ELECTRONIC

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The Code of Student Conduct may apply to behavior conducted online via email or other electronic mediums. Students should also be aware that online and/or phone application postings, such as blogs, web postings, chats, and social networking sites or apps, are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations exists online. The university does not regularly search for this information but may act if, and when, such information is brought to the attention of university officials.

## GUESTS

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The Code of Student Conduct applies to guests and community members; hosts may be held accountable for the misconduct of their guests. The Code may also apply to overnight recruits and campers. Visitors to and guests of the university may seek resolution of violations of the Code of Student Conduct committed against them by members of the university community.

# FILING A COMPLAINT OR INCIDENT REPORT

Anyone wishing to file a formal complaint against a McKendree University student or report an incident involving McKendree or its students, faculty, staff, or guests, may contact the Office for Student Affairs or the Office of Public Safety.

Contact the Office for Student Affairs:

- In-Person: 106 Clark Hall
- Telephone: (618) 537-6555

Contact the Office of Public Safety: 802 College Road

- In-Person: 535 N. Monroe Street
- Telephone: (618) 537-6911

Students may also complete an online incident report form. The [Incident Report Form](#) is located under the My Mck portal. The report should describe the action or behavior in question.

Prompt reporting may aid in the investigation. However, there is no time limit imposed as to when a formal complaint may be initiated against a current student, provided they were a McKendree University student at the time of the alleged incident.

Student organization leaders, members, and/or advisors are encouraged to self-report organization or member behavior, including future events that may be considered violations of McKendree policy.

**Note: The Office for Student Affairs reserves the right to pursue judicial action on behalf of the university if the original Complainant chooses not to initiate or pursue an action, or one was not identified or present for the incident.**

## REPORTING CRIMINAL OFFENSES

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Some instances of student misconduct may also constitute a violation of state, federal, and/or local laws. Students have the option to report misconduct to the university, local law enforcement, or both. McKendree administrators can assist students in making a report to law enforcement.



# ENTRY, SEARCH, AND SEIZURE

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University personnel may enter and/or search any university-owned or operated buildings, including housing, as well as vehicles or individual property on university property, under any one of the following conditions:

1. There is reason to believe that the area is being used for illegal purposes;
2. There is reason to believe that the area is being used for a purpose that violates University policy;
3. There is reason to believe that the area is being used for a purpose that violates health or safety regulations;
4. With the consent of a student of that area; or
5. When specifically authorized by the Vice President/Asst. Vice President for Student Affairs, Director of Residence Life, or Assistant Director of Residence Life, or designee.

Law enforcement officers possessing proper legal documents also have the right to search housing assignments; whenever possible, a representative of the university will accompany the law enforcement officer conducting the search.

## SEARCH PROCEDURES

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The search of a student's housing assignment, vehicle, individual property, etc. shall be conducted by an administrative staff member of the Office for Student Affairs or another appropriate person designated by the official authorizing the search. A Public Safety Officer will accompany the administrative staff member whenever possible.

Authorization should specify the reasons for the search, and officials should notify the student, if present, regarding the purpose and authorization of the search. Officials make a reasonable effort to ensure that a student belonging to the area is present during the search.

## PUBLIC EVENT SEARCHES

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The university has the discretion to conduct mandatory bag checks and/or pat-down checks of persons entering any university activities, such as sporting events or performances. Prohibited items will be confiscated, and those individuals may be referred to the university conduct system for disciplinary action or further investigation by the Office of Public Safety, or other enforcement agencies.

All students, faculty, staff, and guests of McKendree University are responsible for obtaining information on prohibited items. Individuals who refuse to allow such searches will be prohibited from entering the event and no refunds will be provided.

## SEIZURE

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Any item that violates university policies or creates a health or safety risk may be confiscated anywhere on university premises. Confiscated items will be disposed of by university staff immediately with some possible exceptions to the policy as stated below.

**In certain cases, confiscated items may be** held by the Office of Public Safety pending disposition of any criminal investigation or Student Affairs disciplinary process. If illegal drugs, drug paraphernalia, weapons, or other items of evidence are confiscated, such items will be subject to destruction by the Office of Public Safety or other law enforcement agencies upon disposition of the case.

The Office of Residence Life may hold some property for return (typically, but not limited to property that violates the Electronic Appliances and Equipment Policy). Any confiscated items held by the Office of Residence Life may be returned when a Conduct Officer permits the owner to retrieve them. Confiscated items not retrieved within thirty calendar days of the case's outcome will be disposed of or donated by the Residence Life staff.

# STANDARD AND BURDEN OF PROOF

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## STANDARD OF PROOF

The ‘standard of proof’ refers to the amount of information needed to establish a violation of policy. The University utilizes the “Preponderance of Evidence” standard, which requires that a policy violation is more likely than not to have occurred. This standard of proof is not the same as the criminal standard of “Beyond a Reasonable Doubt,” for which more substantial evidence is required. The University takes on the perspective of a “reasonable person” when determining whether the standard of proof was met.

## BURDEN OF PROOF

### ADJUDICATION

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In cases that do not involve allegations of Title IX Sexual Harassment, the burden of proof rests on the Respondent to present persuasive information, consistent with the applicable standard of proof, to establish the violation of the Code of Student Conduct did **not** occur.

In cases that involve allegations of Title IX Sexual Harassment, the Hearing Officer will determine if a violation occurred based on the applicable standard of proof and the information submitted.

# STUDENT AND GROUP(S) CONDUCT HEARING PROCESS

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The following is an overview of the complaint resolution process for alleged conduct violations. The Office for Student Affairs will determine the most appropriate manner to handle each individual complaint. This section refers to alleged violations of the Code of Student Conduct; for the hearing process for Title IX, please reference the Title IX Sexual Harassment Policies & Procedures.

## NOTICE OF INVESTIGATION

When information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Conduct Officer or Judicial Hearing Board. Students have a maximum of 2 business days (unless otherwise stated in official communication) to respond to a request to meet with a Conduct Officer or Judicial Hearing Board. Hearings are scheduled around a student's published academic schedule, and students may request their hearing be rescheduled in the event of unavoidable conflict. Should a student need to reschedule an appointment, they must do so at least 24 hours before the scheduled hearing time. The University will make all reasonable efforts to accommodate student scheduling conflicts but will not permit unreasonable delays in the Conduct Process.

The University deems a student sufficiently notified once written notification is 1) sent to the student's officially assigned McKendree University email address; 2) delivered via Certified Mail to the student's last known address; or 3) personally delivered to the student. University email is the University's primary means of communication with students; however, the University advises students to keep their most current local address, permanent address, and local telephone number updated with the Office of Academic Records. Students are responsible for all communication delivered to their university email address.

If a student fails to respond to written notification of a hearing, it may be completed in their absence. Failure to comply with or respond to a notice and/or failure to appear will not prevent a Conduct Officer or Judicial Hearing Board from proceeding with the conduct process without the student's presence unless the potential outcomes include suspension or expulsion from the University. The failure of a student to respond to the notification to appear may result in additional violations.

## STUDENT ORGANIZATIONS

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Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently enrolled McKendree University student who is a member of the responding organization at the time of the alleged policy violation. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer/staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University if the appointed spokesperson is not the President of the organization.

## HEARINGS

A hearing is the resolution of a case by a Conduct Officer, or the Judicial Hearing Board as designated by the Office for Student Affairs. The Conduct Officer or Judicial Hearing Board can find a student responsible for violations of the Code of Student Conduct and assign sanctions. The Conduct Officer or Judicial Hearing Board must:

1. Notify the Respondent of the charges against them; and
2. Allow the Respondent to offer their perspective on the allegations through a hearing and/or written statement. \*

\* Students may only submit a written statement in place of a hearing with permission of the Conduct Officer. Written statements are not permissible for Judicial Hearing Boards due to the gravity of the allegations.

## CASES RESULTING IN SUSPENSION OR EXPULSION

The Office for Student Affairs will refer a case to the Judicial Hearing Board when the allegations may result in academic suspension or expulsion, should the Respondent(s) be found responsible. However, in situations where the student's disciplinary status is a Zero Tolerance Probation, the Dean of Students, a designee of the Dean of Students, or the Hearing Board may act as the Conduct Officer.

## TIMEFRAME FOR RESOLUTION

Consistent with its educational mission, the Office for Student Affairs is committed to the timely resolution of all student conduct matters. Under **most** circumstances, the Office for Student Affairs, or, when applicable, the Office of Residence Life, will notify the Respondent(s) that a hearing is pending within fifteen (15) business days of the allegation(s) being reported. Hearings will be resolved within a reasonable amount of time from when the allegations were first reported to the University.

## PROTECTIVE MEASURES AND REMEDIES

The Office for Student Affairs may determine that protective measures and/or additional remedies are necessary and appropriate to protect and support all parties and the university community. To ensure equal access to the university's educational programs and activities for all students, protective measures and/or the implementation of additional remedies before, during, and after the processing of a student conduct complaint may be enforced.

Since protective measures are intended to protect and support all parties involved in the student conduct process, considerations of such measures are not accounted for in sanctions and may be implemented regardless of a finding of responsibility. The Office for Student Affairs may determine the most appropriate protective measures and/or remedies to implement for each specific incident. The Office for Student Affairs may also refer individuals to other offices at the university to discuss protective measures and/or remedies outside the purview of the Office for Student Affairs.

Protective measures and/or remedies for individual students may include, but are not limited to:

- No Contact Orders
- Temporary housing and dining changes
- Work Study employment accommodations
- Temporary course changes
- Medical and counseling services
- Academic support services and accommodations
- Co-Curricular programs and activity adjustments
- Additional training and education

## INTERIM SUSPENSION

If a Respondent appears to pose a risk of danger or disruption to the community or any individual, they may be suspended from the university through an interim suspension. A student on interim suspension is prohibited from being on campus and is completely separated from all university-sponsored activities, facilities, and grounds. An interim suspension is distinct from protective measures and remedies, since a student may never be removed from campus because of a protective measure or remedy.

- This action does not require an admission of responsibility on the part of the Respondent.
- The decision to impose interim suspension lies solely within the non-reviewable discretion of the Dean of Students Vice President for Student Affairs, or a designee of the Dean of Students.
- Within two (2) business days of issuing the interim suspension, Respondents are provided an initial notification of policy violations.
- The Office for Student Affairs will schedule a Judicial Hearing Board as soon as reasonably possible after the initial presentation of the Notice of Charges to the Respondent.

- Pending the Judicial Hearing Board, an authorized administrator can modify the conditions of the interim suspension. Additionally, upon the conclusion of the Judicial Hearing, the terms of the interim suspension may be modified, consistent with the Judicial Hearing Board's determination.

## STUDENTS INVOLVED IN MULTIPLE INCIDENTS

When a Respondent is involved in more than one related incident occurring within a short timeframe, the matter may be handled as a single case. A consolidated hearing may be held to determine responsibility in the incident multiple incidents and sanctions may reflect compounding levels of responsibility.

## WITHDRAWAL PRIOR TO RESOLUTION

A student facing an alleged violation of the Code of Student Conduct may have a hold placed on their student account requiring them to contact the Office of Student Affairs to request permission to re-enroll to the university. The investigation into alleged conduct violations may continue regardless of the student's withdrawal or choice to participate in the investigation.

# DEFINITION OF VIOLATIONS

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The following is an overview of behaviors that conflict with the university's community standards. It should be noted that:

- Attempts to commit a violation will be deemed as serious as actually committing the act;
- When it is determined that a violation occurred at a university residence, all residents may be held accountable unless compelling information, as determined by the Conduct Officer or Judicial Hearing Board, is presented during the hearing;
- Unless specifically stated within the definition of a violation, intent is not an element in determining responsibility, but it will be considered in the application of sanctions; and
- Notification of conduct violations may be sent to appropriate university officials.

**Consistent with community standards, the following behaviors are considered violations of the Code of Student Conduct. Sanction determination is at the discretion of the Conduct Officer or Judicial Hearing Board and is completed on a case-by-case basis.**

## 1.00 DISRUPTIVE BEHAVIOR

Any behavior, both on and off university property, outside the scope of the following policies that 1) is disruptive to university activities, 2) endangers any member(s) of the university community, or 3) endangers the reputation of the university is prohibited.

- a. A violation of any local, state, or federal laws may be considered a violation of the Code of Student Conduct, regardless of whether the violation is prosecuted in a court of law. Exoneration from criminal charges will not result in immunity from civil action or university proceedings.
- b. No person(s) shall physically restrain or detain other persons, nor remove them from any places in which they are authorized to be.
- c. No person(s) shall obstruct the free movement of other persons and/or vehicles on university property.
- d. No person(s) shall deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of other persons, including invited speakers, to express their views (See also: Peaceful Demonstration Policy). The standards extend to classroom and on-line discussions and communications.
- e. No person(s) shall shout, jeer, make threats, or otherwise act in any manner to hinder the peaceful and orderly conduct of the university.

## 2.00 PHYSICAL ABUSE OR HARASSMENT

No person(s) shall intentionally assault, strike, threaten, or intimidate any member of the university community.

## 3.00 VERBAL ABUSE OR HARASSMENT

No person(s) shall intentionally create a condition endangering or threatening the health, safety, or well-being of members of the university community through verbal, written, or online means. Students with online postings found to be defamatory, harassing, or in violation of any other applicable law or university policy may be subject to judicial action.

## 4.00 SEXUAL ABUSE OR HARASSMENT

No person shall commit dating violence, domestic violence, sexual discrimination, sexual harassment, sexual misconduct, or stalking. Charges of sexual abuse and/or harassment are adjudicated within the framework of the university's Student Code of Conduct or the University's Title IX Sexual Harassment Policy if the situation meets the criteria of a Title IX policy violation.

## 5.00 WEAPONS AND PROP WEAPONS

The possession, use, or display of weapons and/or prop weapons on university property is restricted unless, 1) in the possession of an authorized individual, as defined by the university and federal, state, and local law, 2) permission has been secured from the Office of Public Safety to store a concealed firearm within a private vehicle, 3) the weapon or prop weapon is registered and stored in a weapons storage facility by the Office of Public Safety, or 4) prior authorization has been obtained in writing from the Director of Public Safety. These restrictions apply to all members of the university community. \*

Definitions of weapons and/or prop weapons are:

- a. Handguns, rifles, and shotguns
- b. Longbows, crossbows, and arrows

- c. Knives that have a blade of three inches or more, excluding kitchen knives in drawers, blocks, or sheaths.
- d. BB guns, pellet guns, air/CO2 guns, and blowguns or their ammunition
- e. Gunpowder or firearm ammunition
- f. Martial arts weapons
- g. Any item used to cause or threaten harm in the commission of a crime
- h. Any item that the Vice President for Student Affairs, Director of Housing, Director of Public Safety, or their designees, determines to be of a warranted safety concern to the individual, the university community, or university property.

*\*Members of the university community over the age of 21 who have concealed carry permits can request permission from the Office of Public Safety to store the firearm(s) within a locked vehicle (or within a locked container inside a vehicle) in accordance with subsection (b) of Section 65 of the Firearm Concealed Carry Act, provided the firearm(s) and ammunition are properly secured out of plain view. Such vehicles containing stored weapons must be registered with the Office of Public Safety and must be parked in a designated parking area. THE UNIVERSITY DOES NOT ASSUME ANY RESPONSIBILITY FOR PARKED OR UNATTENDED VEHICLES OR THEIR CONTENTS.*

## 6.00 DANGEROUS MATERIALS

No persons shall possess, store, mix, or experiment with any materials that have the potential to cause injury or to threaten a person's life or safety, including, but not limited to: explosives and fireworks; laboratory chemicals, dangerous compounds, acids, etc; propane, gasoline, and other flammable petroleum fuels; and fire starters such as matches, lighters, Zippo, torches, etc.

## 7.00 SMOKING AND TOBACCO-FREE CAMPUS

The University is committed to providing a reasonably safe and healthy living/learning/working environment for the faculty, staff, students, vendors, and visitors by minimizing the negative effects of secondhand smoke, improving fire safety, and encouraging a more sustainable environment. Also, Illinois raised the legal age to possess and consume tobacco to 21 years of age. Therefore, smoking, using non-combustible tobacco products, and using non-FDA-approved nicotine delivery devices and products are prohibited in university-owned or operated facilities, both indoors and outdoors, and in university-operated vehicles.

- a. Students found using or possessing tobacco products or non-FDA-approved nicotine delivery devices and products in university housing will be subject to disciplinary action and fines associated with the removal of the smell of smoking from walls, furniture, etc. This is a complete prohibition of any smoking products, paraphernalia (defined as any device used in the consumption of tobacco) or **container**. These materials include hookahs, electronic or e-cigarettes, vaporizers/vapes, or Juuls and their packaging.
- b. Ceremonial Smoking Exemption: Individuals or groups interested in smoking as part of a ceremony in or on university-owned or operated property must seek advance approval from the Vice President for Student Affairs.

## 8.00 NARCOTICS AND DANGEROUS DRUGS

The use, possession, production, manufacture, sale, possession with intent to sell, traffic, or distribute narcotics, dangerous drugs, synthetic drugs, or controlled substances without a prescription, are not permitted on university-owned or operated property. Specific items and actions prohibited under this policy include, but are not limited to cannabis\*, methamphetamines, barbiturates, cocaine, hallucinogens, Kratom, Kava, anabolic steroids, prescription drugs not prescribed to the student, drug paraphernalia, driving while impaired by any drug, and drug-related activities used to induce an altered state. The University reserves the right to hold students responsible for their behavior.

## 9.00 CANNABIS

Students and their visitors are expected to adhere to all policies and laws related to cannabis as outlined here in the McKendree University Student Handbook or by the federal government, the State of Illinois, St. Clair County, and the City of Lebanon. The Illinois Cannabis Regulation and Tax Act (CRTA), authorizing individuals over the age of 21 to recreationally use cannabis in the state of Illinois, does not change this prohibition or authorize a student to use cannabis on university-owned, including housing, as well as vehicles or individual property on university property, or operated property. Federal law, including the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, continues to prohibit cannabis. Thus, cannabis use, possession, production, manufacture, sale, possession with intent to sell, trafficking, or distribution, even if in compliance with CRTA, is prohibited on campus.

## 9.10 Cannabis Prohibition

The use, possession, production, manufacture, sale, possession with intent to sell, trafficking, or distribution of cannabis, cannabis products containing THC, and synthetic cannabinoid products is not permitted on university-owned or operated property. Many products advertised as CBD can also contain THC. The federal government states that any product containing more than 0.3% THC is to be considered marijuana. This will also constitute a violation of this policy.

## 9.20 Cannabis Containers

No persons shall collect empty cannabis containers, such as boxes, jars, or bottles, on university-owned or operated property. In addition, cannabis packaging or storage receptacles may not be used as decoration on university-owned or operated property.

## 9.30 Cannabis Paraphernalia

Cannabis trays, pipes, bongs, hit pipes, vaporizers, scales, grinders, and any other equipment, product, material, or behavior that is intended to be used for the purpose of using cannabis are prohibited.

## 10.00 ALCOHOL

Students and their visitors are expected to adhere to all policies and laws related to the possession, consumption, and/or distribution of alcohol, as outlined here in the McKendree University Student Handbook or by the federal government, State of Illinois, St. Clair County, and the City of Lebanon. The unlawful use, possession, purchase, and/or distribution of alcoholic beverages is prohibited on the McKendree University campus.

### 10.10 No persons shall use, possess, and/or distribute any alcoholic beverage on the university-owned or operated property with the following exceptions:

1. Athletic Venues and Events: Designated University athletic events that allow participants who are 21 + to consume alcoholic beverages at third-party venues that supply alcohol, such as the McKendree Rec Plex, and at tailgating events. The Bearcat Boulevard Tailgating Policies and Procedures are available on the [McKendree Athletics website](#).
2. 21+ Approved Housing: Students of legal age, 21+, who applied and are approved to live in the 21+ alcohol-designated residential building(s) located at McKendree West, and their guests may possess and consume alcoholic beverages in their residential spaces, so long as all persons are 21+ during the time of consumption and follow all applicable policies.
3. Religious Worship: With the consent of the [University Chaplain](#), alcohol may be consumed for sacramental purposes as part of a religious service or ceremony in Bothwell Chapel.
4. Permission from the President: Additional exceptions to this policy must be approved by the President of the University or a designee.

## 10.20 Alcohol Containers

No person shall collect empty alcohol containers, such as cans or bottles, on university-owned or operated property. In addition, alcohol storage including cardboard boxes, may not be used as decoration in these areas.

## 10.30 Alcohol Paraphernalia

Drinking games, funnels, shot glasses, beer bongs, and any other device or behavior designed for consuming alcohol are prohibited.

## 11.00 Public Intoxication

Public intoxication and drunkenness on university-owned or operated property are prohibited. Conditions considered intoxication include affected manner or disposition, speech, muscular movements, and general drunken appearance or behavior, as apparent to a reasonable person. Members of the University community recognize that a violation of any federal, state, or local laws governing the consumption and possession of alcohol or cannabis, including off-campus, is prohibited.

Examples may include Driving Under the Influence (DUI), being assessed as intoxicated in public, and underage possession/consumption. For cannabis such as public consumption, which is illegal such as in streets, parks, etc. It is illegal to consume cannabis in any vehicle (moving or not) and operating a vehicle under the influence of cannabis is illegal.



## 12.00 21+ Approved Housing Policy

McKendree University encourages students to make responsible decisions concerning the possession and consumption of alcoholic beverages. The University recognizes that some students who are of the legal drinking age as determined by the State of Illinois (21 and over, aka 21+) desire to take part in the use of alcohol. The 21+ Approved Housing Policy seeks to allow students who are 21+ the freedom to make their own choices about alcohol consumption while promoting responsible behavior and continuing to foster a safe and welcoming environment.

### 12.10 Eligibility Requirements

Students must meet the following requirements and maintain them during the academic semester, or they may lose their eligibility to reside in 21+ Approved Housing:

1. Apply for a 21+ Housing assignment; must be 21 years of age. Application found on the Residence Life website must be completed and approved.
2. Be in good conduct standing with the University, i.e., must not be on disciplinary or housing probation or have multiple substance policy violations
3. Possess a GPA of 2.5/4.0 or higher
4. Complete the training module(s) as required by the University before moving into the residential space; completion of training implies that the student understands and has agreed to follow the terms outlined in this policy.

### 12.20 Individual Accountability Requirements

The 21+ Approved Housing Policy is intended to allow for the casual enjoyment of alcohol by students who are 21+; students should not be encouraged to or intend to drink with the goal of becoming intoxicated.

1. Drinking games, funnels, beer bong, and any other device or behavior designed to become intoxicated through the abusive use of alcohol are prohibited.
2. Students and their guests must be able to immediately provide validated photo identification, in the form of a government-issued or McKendree University ID for proof of legal age, when requested by a university official acting in accordance with their duties.

### 12.30 Community Wellbeing Requirements

To maintain a social atmosphere that is free of coercion for those who choose not to drink, a climate in which alcohol is not the focus must be maintained for community well-being.

1. Alcohol consumption is limited to the interior of the apartment; there should be no alcohol consumption in public areas (stairwells, landings, etc.) or outside areas (patios, porches, etc.). Students' apartment doors must be shut when consuming alcohol.
2. Students must not promote excessive use of alcohol through any means.
3. While transporting alcohol to and from an approved location, alcohol should be both sealed (unopened/unexposed) and discreetly packaged.
4. All empty alcohol containers must be placed in an opaque trash bag and disposed of in an exterior dumpster; alcohol containers are not to be used as decorations or kept as mementos.
5. Common alcohol sources over 750 ml (handles, kegs, pitchers, etc.) are prohibited.

### 12.40 Confiscation of Alcoholic Beverages

Entry, search, and seizure will follow the guidelines established in the McKendree University Student Handbook. During confiscation, all alcohol will be seized, and the open containers will be discarded by university staff with no eligibility for a refund. Confiscation will occur in the following situations:

1. Any person under 21 is present while alcohol is open
2. Any person who cannot provide their valid identification card with their birthdate.
3. Any person who is publicly intoxicated which is demonstrative by affected manner, disposition, speech, muscular movements, and/or general drunken appearance or behavior as apparent to a reasonable person
4. Any space where the maximum number of people allowed in a housing area (12) has been exceeded

### 12.50 Consequences and Follow-Up

It is the responsibility of the student to review the University's alcohol-related policies and initiate, maintain, and complete the 21+ Approved Housing eligibility requirements. Consequences for violation of this policy will include:

1. The staff will seize all alcohol present. Open containers will be disposed of. Unopen containers will be labeled and moved to storage. The staff will also document the situation.
2. Adjudication will commence through the Student Conduct process, see the Code of Student Conduct for the Resolution of Complaints. The apartment's 21+ Approved Housing Status will be temporarily revoked until the disciplinary hearing outcome and appeal are completed.
3. If residents are found responsible for an alcohol policy violation, they will be relocated to another residential building.

### 12.60 The Illinois Social Host Law

The [Illinois Social Host Law](#) place greater responsibility on those who host underage drinkers. Specifically, the law provides that a person is guilty of a Class A misdemeanor who authorized or allows underage individuals to possess or consume alcohol in the person's residence. This means that if you host a party – even if it is BYOB – where you know there is underage drinking happening, you could be arrested and fined between \$500 and \$2,500.

Additionally, if a violation of this law directly or indirectly results in “great bodily harm or death” to any person, the social host is guilty of a Class 4 felony. This means a minimum of one year in jail, among other serious penalties.

### 13.00 RECORDS, IDENTIFICATION, AND KEYS

- a. No person shall lend or give another person a University identification card, key, key card, or other official identification.
- b. No person shall use or possess a university identification card, key, key card, or other official identification that is not rightfully theirs.
- c. No person shall fail to produce a photo identification card when requested to do so by a university official.

### 14.00 MISUSE OF SUPPLIES, DOCUMENTS, AND FORGERY

No person(s) shall forge or alter supplies and/or documents of the university, nor shall any person(s) use, receive, or possess such supplies and/or documents of the university without proper authorization.

### 15.00 FALSE REPORTING

- a. No person(s) shall convey false or baseless information regarding university business or judicial procedures to any university community member or office knowing the information reported or circulated to be false or baseless.
- b. No person shall knowingly offer false testimony at any judicial hearing.

### 16.00 OFFICIAL REQUESTS AND ORDERS

No person(s) shall fail to comply with a legitimate, reasonable, and lawful request or direction by university faculty or staff; officially recognized volunteers; or local, state, and federal officials.

### 17.00 COMPLICITY

No person(s) shall condone, support, facilitate, or encourage another person's or group's behavior that violates any standard(s) of conduct. Students are expected to remove themselves from locations where a policy is being violated and are encouraged to report the incident to a university official. Failure to leave an area where a regulation is being violated may result in a student being held accountable for a violation of this policy.

### 18.00 DESTRUCTION OF PROPERTY

No person(s) shall burn, destroy, or otherwise damage any property on university-owned or operated property. In addition, no person(s) shall, in any manner whatsoever, deface or alter any property under the ownership or control of the university without permission from the appropriate university office.

### 19.00 THEFT OF PROPERTY

- a. No person(s) shall remove or use such property without authorization from the university or the individual owner.
- b. No person(s) shall knowingly possess stolen property or impede recovery by the owner or university officials acting on behalf of the owner.

\* *McKendree University is not responsible for any lost, stolen, or damaged items.*

## 20.00 HAZING

No person(s) or group(s) shall force any member(s) of the university community to engage in degrading or humiliating activities and/or situations or place any person(s) in situations that threaten their health, safety, or well-being, for purposes of entering or remaining in any university organization, group, or team.

## 21.00 LITTERING

No person(s) shall drop, discard, throw, or otherwise dispose of bottles, cans, papers, food, or waste of any kind in/on university-owned or operated buildings or grounds, except in receptacles provided for that purpose.

## 22.00 ABANDONED VEHICLES

Any vehicle parked on university-owned or operated property without a valid registration and license plate will be treated as abandoned. Abandoned vehicles may be towed and stored at the owner's expense.

## 23.00 ANIMALS

No person(s) shall bring into any university-owned or operated building any animal, except for 1) those animals being used for university-authorized research, 2) approved assistance animals, and 3) fish in a 10-gallon or smaller tank. Approved animals may still be subject to various rules and/or guidelines per the university's Assistance Animal Policy.

## 24.00 FIRE EQUIPMENT AND ALARMS

- a. No person(s) shall disregard a fire alarm signal or refuse to evacuate a university-owned or operated building when a fire alarm is activated.
- b. No person(s) shall operate or trigger any mechanical or electrical apparatus, or a combination thereof, to create a false alarm.
- c. No person(s) shall, without authorization, operate or tamper with any fire safety equipment, except for use in emergencies and for such purposes for which the equipment was intended.

## 25.00 CANDLES AND INCENSE

The use of candles, candle warmers, oil lamps, incense, and/or open flames of any type (including birthday cake candles) are fire hazards and are prohibited in any university-owned or operated building. Possession or use of one of these items poses a significant fire hazard and can result in confiscation.

- a. Possession of a candle with a burnt wick or used incense is a violation of this policy and can result in confiscation.
- b. Bulb candle warmers are the only type of candle/wax warmers allowed on campus.

## 26.00 ELECTRICAL APPLIANCES AND EQUIPMENT

- a. Approved appliances for use in student rooms include clocks, radios, computers, stereos/speakers, fans, televisions, lamps, and single-cup coffee makers without a hotplate and/or stay-on heating element (700 watts or less). Students living in traditional housing or suite-style housing are not permitted electrical equipment such as toasters, blenders, crockpots, air fryers, nor those that utilize open heating elements. Students living in apartment-style housing are permitted to use everyday kitchen appliances previously listed.
- b. Students may not use the following items in any residential area: gas appliances, dehumidifiers (unless provided by the university), electric blankets, sun lamps, indoor grills, non-university-provided air conditioners or heaters, outside antennas and satellite dishes, non-university-provided washing machines and dryers, smoke machines, hoverboards, Segway scooters, drones, and other similar devices. Hazardous electrical appliances needing electrical repair or containing an open heating element are prohibited.
- c. The University reserves the right to prohibit other appliances not listed above if the item constitutes a potential risk.
- d. Tampering, altering, or rewiring electrical outlets or equipment is a fire and safety hazard and is not permitted. Overloading outlets with many appliances is also a fire hazard. Un-grounded extension cords are not permitted in residential areas. Students may use a UL-approved power strip with a built-in surge protector. Power strips may not be used in series (one connected to another).

## 27.00 OUTDOOR GRILLS, FIRE PITS, AND FUELS

No person(s) shall store or use outdoor grills, fire pits, and/or fuels in any university-owned or operated housing facility. The use of wood-burning, gas, or electric fireplaces is not permitted in any residential area. Students may utilize the fire pit located outside of Ames.

## 28.00 NOISE

- a. Community living in an academic setting requires that residents respect the rights of others to study and sleep. No person shall create sounds or use devices such as using radio, stereo, musical instrument, or sound amplification equipment that unreasonably annoys or disturbs the quiet or comfort of any member of the university or surrounding community or that interferes with the normal functioning of the university.
- b. Students are expected to adhere to 24-hour courtesy hours. Quiet hours are enforced nightly from 10:00 PM – 8:00 AM, Sunday night through Friday morning, and 12:00 AM – 8:00 AM, Friday night through Sunday morning.
- c. Starting at midnight the Sunday before finals, continuing through finals week, and ending when the halls close for the semester, the residential facilities and surrounding grounds are under continuous quiet hours.

## 29.00 VISITATION

Students living in university-owned or operated housing can have visitors 24/7 days per week with permission from their roommates unless otherwise designated by the residence hall/suite/apartment complex. Visitors are individuals who do not live in the designated room.

The host will be responsible for ensuring the visitor is familiar with and adheres to all university policies and procedures. Visitors must be escorted by a resident while inside university housing and cannot be left in a building while their host is not present. The host and the visitor will both be held accountable for any policy violations, damages, and/or loss of university property, whether the host is physically present.

- a. Students may host a visitor overnight in their residential assignment. However, roommate(s) should be consulted before visitors are approved to stay in the residential area. The roommate(s) should not be compelled to leave the room to accommodate a visitor. Under no circumstances will visitors be issued keys, access cards, or mattresses.
- b. Visitors must use either a restroom assigned to their gender or a gender-inclusive restroom.
- c. The maximum number of people allowed in a housing area is eight (8) in a residence hall room and twelve (12) in an individual suite or apartment.

## 30.00 COHABITATION

No visitor of the university may spend the night more than three (3) consecutive nights in a 14-day period within university housing. Residents should always work out an agreement with their roommate(s) for any overnight guests.

## 31.00 SOLICITATION

- a. Solicitation (including but not limited to fundraising) by students, registered student organizations, teams, or departments on university premises or relating to a university-sponsored event is prohibited without the prior approval of the appropriate campus office.
- b. Other members of the university community, such as applicants for academic admission and employment, visitors, guests, vendors, contractors, and other third parties, are prohibited from soliciting and distributing on university premises or in connection with university-sponsored events without prior approval from the Office for Student Affairs.

## 32.00 UNAUTHORIZED ENTRY, USE, OR TRESPASSING

- a. No person shall enter or use university facilities or property, or property owned or operated by the university, for an improper purpose without proper authorization.
- b. No person shall assist another individual in entering or using university facilities or property, or property owned or operated by the university, for an improper purpose, without authorization.

# CONDUCT SANCTIONS

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## GOALS

In determining conduct sanctions, the university seeks to balance upholding community standards with aiding individual student development. Sanctions are designed to achieve the following goals:

- To reestablish order while considering the common good, which sometimes necessitates the temporary or permanent removal of the Respondent from the university community;
- To allow Respondents to reflect upon their actions and the impact of those actions on themselves, others, and the university community;
- To repair the harm for those impacted;
- To address the cause of the violation and help restore the Respondent to good standing within the university community, provided the safety of the community is not jeopardized by the individual's presence.

## SANCTIONING CONSIDERATIONS

Sanctions shall not be put into effect until:

- The Respondent has received written notice of the decision of the Conduct Officer; or
- The Respondent has received written notice of the decision of the Judicial Hearing Board.

The following factors guide the range and variation of sanctions:

- The nature and severity of the incident;
  - Committing multiple violations during a single incident
  - Committing a violation in self-defense and/or defense of others
- The developmental needs of the student responsible for the policy violation;
- Any prior conduct history of the student responsible for the policy violation;
- The need to remedy the effects of the incident on others;
- The level of accountability and cooperation taken by the student responsible for the policy violation;
- The level of influence that drugs and/or alcohol may have played in the policy violation;
- The level of risk, harm, and/or trauma caused by the student responsible for the policy violation to another person, property, and/or the university community;
- Any language and/or behaviors that demonstrate bias against an individual or group because of an actual or perceived personal identity, such as, but not limited to, age, disability, ethnicity, gender, gender identity, gender expression, national origin, race, religion, and/or sexual orientation (See also: Statement on Non-Discrimination);
- Retaliatory conduct towards another person involved in the conduct process.
  - Retaliatory conduct refers to conduct that adversely and unjustifiably affects another's terms and conditions of employment, educational experience, or quality of life and that is motivated by an intent to cause physical or emotional harm because of the targeted individual's involvement in the filing or investigation of a student conduct complaint.

## FAILURE TO COMPLETE SANCTIONS

Failure to complete any conduct sanction 1) by the given deadline or 2) before the student takes a leave of absence, withdraws, or graduates will have each incomplete sanction referred to a fine. As previously stated, sanctions are created to broaden a student's perspective and encourage growth and development, so fines for incomplete sanctions will be enough to motivate students to complete their sanction versus accepting the fine.

## WITHDRAWAL PRIOR TO SANCTION COMPLETION

The university maintains conduct authority over students who take a leave of absence, withdraw, or graduate for any misconduct that occurred before the leave, withdrawal, or graduation. If sanctions are left incomplete after the due date, the sanctions will be referred to as a fine and the case closed, or a hold may be placed on the student's ability to reenroll. All sanctions must be satisfied before re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the university may invoke these procedures, and should the former student be found responsible, the university may re-enroll.

## LIST OF CONDUCT SANCTIONS

This list of potential sanctions is provided as a guideline for Conduct Officers and members of the Judicial Hearing Board. However, the Conduct Officer or Judicial Hearing Board may deviate from the listed sanctions for sufficient reasons. Implementation of the sanction(s) will begin immediately or as assigned.

1. **Educational Sanction:** An official sanction for an educational purpose. The sanction may or may not directly correlate to the violation. Examples include meeting with University faculty or staff, presenting a program, writing a paper, etc.
2. **Disciplinary Warning:** A disciplinary warning is an official, written reprimand given to draw a student's attention to their behavior being inappropriate and not meeting university expectations required of McKendree students. If a student is found responsible for additional University policy violations, they can receive subsequent disciplinary action(s) and progressively severe sanctions.
3. **Disciplinary Probation:** A temporary status that remains in effect for a specific period and is generally considered to be the preliminary step to suspension or expulsion from the university, should the student be found responsible for additional violations. It specifies that the student is not in good judicial standing with the institution.
4. **Zero Tolerance Probation:** A status based on conduct history and severity of the infraction.
5. **Financial Restitution:** Individuals may be required to pay for the repair and/or replacement of damaged property owned or operated either by the university or individuals enrolled or employed by the university.
6. **Loss of Privileges:** A sanction that limits or removes specific privileges the student may hold within the university for a specific period.
7. **Co-curricular Activity Suspension:** This suspension can be of indeterminate length, depending on the severity of the violation. In such instances, students may continue to attend class, labs, and study in the library; they may eat meals in the Ames or Café 1828, and take care of normal administrative functions related to being a student. However, students sanctioned with a co-curricular activity suspension may not participate in athletics, club or intramural sports, non-academic music groups or organizations, clubs/organizations, or social events sponsored by the university.
8. **Restricted Access:** A sanction that prohibits the student from accessing a specific area of owned or operated university property without prior approval or a Public Safety escort.
9. **Alcohol & Other Drugs (AOD) Program:** An educational program provided by the university's Counseling Services Office that requires students to meet with staff to discuss their alcohol and/or drug use.
10. **Probation of Campus Residency:** A temporary status that remains in effect for a specific period and is generally considered the preliminary step to relocation or removal of university housing, should the student be found responsible for additional violations.

11. **Relocation of Campus Residency:** An official sanction that requires the student to vacate their formerly assigned residence and relocate to a new assignment. If this decision is appealed, the student may be removed from their formerly assigned residence at the discretion of the Vice President for Student Affairs (or designee) while the appeal is pending.
12. **Removal of Campus Residency:** Removal of campus residency may be imposed for a specific or indefinite period, as is deemed appropriate by the Conduct Officer, Judicial Hearing Board, or Sexual Misconduct Hearing Panel. Students who are removed from university housing must vacate their assignment once the sanction is executed. If this decision is appealed, the person may be removed from university housing at the discretion of the Vice President for Student Affairs (or designee) while the appeal is pending. Students **will not be permitted** to visit or stay with friends living in any campus housing facility. Additionally, special conditions may be imposed.
13. **No Contact Order:** A No Contact Order is an official, written document issued by the Office for Student Affairs stipulating that the individuals named within are to refrain from any verbal, physical, written, or electronic contact of any kind. This includes contact through third-party individuals. Specific exceptions to the No Contact Order may be granted by the Vice President for Student Affairs (or designee).
14. **Interim Suspension:** A temporary suspension of certain rights or privileges that may be imposed by the Vice President for Student Affairs (or designee) while a judicial case/appeals case is pending or after a student has been subject to a felony arrest. An interim suspension is imposed upon the determination that the safety and well-being of the university community or specific persons is at risk. The terms of the interim suspension may be broad and inclusive, or they may be restricted to a specific location and/or function.
15. **Suspension:** A decision of suspension terminates the student's status as an enrolled student for a specific period, up to a maximum of five (5) academic years, and prohibits the student from attending classes. A suspended student may not enter any part of university-owned or operated property without specific authorization from the Vice President for Student Affairs (or designee). Students who reside in university housing shall remove their belongings from their place of residence after the sanction has been issued.
16. **Expulsion:** A decision of expulsion terminates the student's status as an enrolled student. An expelled student may not enter onto university property without specific authorization from the Vice President for Student Affairs (or designee). Students who reside in university housing shall remove their belongings from their place of residence after the sanction of expulsion is issued. Students receiving a sanction of expulsion will be unable to re-enroll at the university.

No student suspended or expelled from the university is entitled to any refund of tuition, room rent, or board.

# APPEALS OF THE CONDUCT PROCESS DECISIONS

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For most cases, decisions reached through a hearing may be appealed to the Office for Student Affairs through the [Appeal Submission Form](#). A decision reached through a hearing may be appealed only once, and the decision of the Appeal Officer is final.

However, for cases involving suspension or expulsion from the university, a decision reached by the Judicial Hearing Board may be appealed to the Vice President for Student Affairs.

## REQUESTS FOR APPEAL

An individual who requests an appeal is called the Appellant. The Appellant must file their request for an appeal with the Office for Student Affairs within three (3) business days of the Outcome Letter being sent to the student's McKendree email account, and it must state the specific grounds on which the appeal is being requested (see also: Grounds for Appeal). The Office for Student Affairs then directs the request to the Appeal Officer. While students have the right to request an appeal, it is up to the discretion of the Appeal Officer to consider if the appeal will be heard.

The burden of proof rests on the Appellant, who must establish that the original process or decision was substantially flawed (see also: Burden of Proof).

If a request for an appeal is submitted, the Appeal Officer is provided with all case records and documents that have previously been collected or submitted. To have their perspective represented in the case file, the Appellant must submit their materials to the Office for Student Affairs, at the time they submit their appeal request.

Before and during the hearing, the Appeal Officer will have access to the Appellant's judicial history. Appellants may review their judicial history and the full case file before their hearing by contacting the Appeal Officer at least three (3) business days before the hearing. Exceptions will be made if the time between the request for an appeal and the appeal hearing is fewer than three (3) business days. The Appeal Officer will review and consider all materials submitted and meet with the Appellant as soon as reasonably possible.

Hearings will consist of questions from the Appeal Officer to the Appellant and any witnesses presented to them. Witnesses are not allowed to observe any part of the hearing other than their participation. Appellants are responsible for providing the Appeal Officer with the names of any witnesses they would like included. Only witnesses with direct knowledge of the alleged incident will be considered by the Appeal Officer. The Appeal Officer may choose to limit the number of witnesses attending a hearing. Appellants may be accompanied by an Advisor of their choosing (see also: Advisors).

The Appellant is not permitted to communicate directly with witnesses or other students involved in the case during the hearing unless approved by the Appeal Officer. Appellants are not required to respond to the alleged violations either orally or in writing and can choose to attend or not attend their assigned hearing. However, should the Appellant choose not to attend the hearing, the Appeal Officer will hear the case regardless, and they will subsequently issue findings and, if necessary, sanctions, in the Appellant's absence.

## GROUNDINGS FOR APPEAL

An appellant may seek review on one or more of the following grounds:

- **Question of Fact:** An appellant may appeal against a question of fact by introducing new evidence that would significantly affect the outcome of the case. This evidence must have preceded the date of the hearing. Evidence that was available to the appellant for use in the original hearing, but was withheld by the appellant, shall not constitute a question of fact, nor is it to be considered upon appeal.
- **Question of Procedure:** An appellant may appeal for a question of procedure by demonstrating that the procedural guidelines established in this document were breached and that these errors affected the outcome of the case.
- **Severity of Sanction:** An appellant may appeal for the severity of the sanction when the penalty exceeds the range of sanctions set by precedent for the specific violation. Mere dissatisfaction with a sanction is not grounds for appeal.



## APPEAL OUTCOMES

The Appeal Officer uses the “preponderance of evidence” standard to determine decisions (see also: Standard of Proof). The Appeal Officer considers the information presented as evidence and utilizes their reasoning skills and training to establish the weight of each piece of evidence in a case.

**Appeal Outcome:** The following actions may be taken by the Appeal Officer;

- Affirm the finding of “Responsibility” and the original sanctions;
- Affirm the finding of “Responsibility” and alter the original sanctions; or
- Overturn the initial findings and sanctions and return the matter to the Office for Student Affairs for action consistent with the Appeal Officer’s determination

**Notice of Determination:** The Appeal Officer hearing the Appeal will provide a written explanation of their determination to the Appellant. This determination is final and binding for all parties.

### TEMPORARY HOLD OF SANCTIONS

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Any sanctions imposed through a hearing are held pending until the deadline for submission of a Statement of Appeal has passed. Once a student has submitted a Statement of Appeal, their sanction(s) will continue to be held pending the final appeal decision outcome.

**Note:** Sanctions of Interim Suspension are **not** approved for temporary hold.

# CONFIDENTIALITY

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The university is committed to facilitating an environment that encourages students to report incidents of misconduct and will always attempt to resolve a situation following a student's wishes. In most cases, the university will not initiate student conduct proceedings or take administrative action without consulting the Complainant first.

In some exceptional circumstances where the incident in question presents a continuing threat to the campus community, the university may be required to investigate regardless of the Complainant's desire to pursue allegations of student misconduct. Additionally, the university may be required to issue a "timely warning" to the campus community, as required by The Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act. Timely warnings do not include personally identifiable information of involved parties.

All reports of misconduct will be maintained with the highest possible level of confidentiality. The information provided by the Complainant will only be shared with essential staff members and only as necessary for the effective investigation and adjudication of the case. When reports of misconduct involve other students, either as Respondents or witnesses in the case, some information may need to be shared with those involved to complete a thorough investigation.

Due to the sensitive nature of grievances, to facilitate open and honest testimony, all information presented during a student conduct proceeding is confidential and may not be disclosed to the public. Specifically, the testimony, whether written or oral, presented by the student(s) involved in the case, or witnesses, during the conduct proceedings and all documents provided in preparation for or during the conduct proceedings may not be disclosed to any other party, except to the student's immediate family and/or Advisor (when indicated by the student).

McKendree University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends and are not yet certain whether they want to report to the police or the university, there are resources available, both on and off campus, that offer confidential assistance and support. Information on confidential resources can be found through Counseling Services at 513 Stanton Street or through the Center for Faith & Spirituality at Bothwell Chapel.

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student to release any information from a student's education record. FERPA only allows schools to disclose student records without previously granted student consent in certain situations and/or to certain individuals, such as:

- To school officials with legitimate educational interest
- To other schools to which a student is transferring
- To comply with a judicial order or lawfully issued subpoena
- To parents when there is a health or safety emergency involving the student,
- To the victim of an alleged crime of violence or sexual misconduct concerning the results of a Judicial Hearing.

A full definition of the McKendree University Notification of Rights under FERPA can be found in the University Policies section of this handbook or on the University's Academic Records webpage.

## ANONYMITY

McKendree University understands the sensitive nature of some incidents of alleged misconduct. Further, the university is mindful of a complainant's desire, in some cases, to report an incident without disclosing their name or other identifying information. McKendree will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. The university will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

## STUDENT ORGANIZATIONS

Information gathered during an investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the student organization's headquarters, sponsoring department, and/or organization, as appropriate. This otherwise confidential information will not be shared with other students, or any outside communities related to the organization.

Student organization records may not impact the content of individual student records for members of those student organizations. A finding of responsibility for misconduct for a student organization does not indicate a finding of responsibility for individual students. Individual students may be subject to their own conduct processes, separate from the student organization process.

All records related to student organization conduct processes will remain on file with the university for at least seven (7) years from the case's completion date and/or appeal processes.

## AMNESTY

The University will provide educational options in place of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaged in policy violations, such as underage drinking or drug use, at the time of the incident.
- Students who aid others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University before any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to abuse or harassment against others (see also: Policies on Physical, Verbal, and Sexual Abuse or Harassment). The Code of Student Conduct amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from meeting with university staff and participating in conditions like counseling and alcohol assessments. The Office for Student Affairs can assist with questions related to amnesty provisions.

# DISCLOSURE OF OUTCOMES

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## DISCLOSURE TO THE RESPONDENT

At the conclusion of all student conduct cases, the Conduct Office, the Judicial Hearing Board (or their designee) will offer written disclosure of the outcome to the Respondent via McKendree e-mail address. The disclosure may include, at a minimum:

- Findings for each alleged violation;
- Terms of any sanction(s) imposed against the Respondent; and
- Appeal rights, if applicable.

The Respondent is permitted to share, with any person(s) they deem appropriate, the allegations resulting from the incident, the determination of responsibility, and any sanctions imposed through the Office for Student Affairs. However, all information presented during the student conduct proceeding is confidential and may not be disclosed to the public (see also: Confidentiality).

## DISCLOSURE TO COMPLAINANTS AND/OR ALLEGED VICTIMS

According to federal mandates and the Family Educational Rights and Privacy Act (FERPA), the Office for Student Affairs will only offer written disclosure of the outcome of the case to a Complainant if the allegations constitute:

- A violation of the University's sexual misconduct policy; and/or
- A crime of violence, as defined by FERPA.

The disclosure may include:

- Findings for each alleged violation;
- Sanction(s) imposed on the Respondent that directly relate to the Complainant and/or alleged Victim;
- Brief rationale for the Conduct Officer Judicial Hearing Board decision, as directly related to the Complainant; and
- Appeal rights, if applicable.

The Complainant is permitted to share with any person(s) they deem appropriate the allegations resulting from the incident, the determination of responsibility, and any sanctions imposed through the Office for Student Affairs. However, all information presented during the student conduct proceeding is confidential and may not be disclosed to the public (see also: Confidentiality).

## DISCLOSURE OF APPEAL OUTCOME

If an Appeal is filed regarding the outcome of a case, the outcome of the appeal(s) will be made to the appropriate parties, consistent with the terms outlined for disclosure of the original decision. The disclosure may include, at minimum:

- Findings for each ground on which the Appellant appealed; and
- Any alterations to sanction(s) that impact the respective party.

# UNIVERSITY POLICIES

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GENERAL ADMINISTRATIVE POLICIES

ASSISTANCE ANIMAL POLICY

BIAS OR HATE CRIMES

COMPUTING USE POLICY

DRUG-FREE SCHOOL AND COMMUNITY ACT

FAMILY EDUCATION RIGHTS & PRIVACY ACT (FERPA) POLICY

MISSING STUDENT POLICY

PEACEFUL DEMONSTRATION POLICY

PROHIBITION ON RECORDING POLICY

STUDENT CONDUCT RECORDS POLICY

STUDENT OPTIONAL DISCLOSURE OF PRIVATE MENTAL HEALTH ACT (SODPMHA) COMPLIANCE ACT

TITLE IX SEXUAL HARASSMENT POLICY

TOBACCO-FREE POLICY

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# GENERAL ADMINISTRATIVE POLICIES

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## ADDRESS

All students must report at the beginning of each semester, the local address at which they will be living. Students living off-campus must promptly update their User Profile in Self-Service. Local addresses can be added, or home addresses may be updated. Home address is your residence while not living on/near campus. The local address is your temporary address while living near campus. The Office of Residence Life will report residence hall changes or room number changes.

## FINANCIAL OBLIGATIONS

All **fees**, including those for tuition, room, and board, and all **loans, fines, maintenance and damage assessments**, and **other charges** must be paid on time. If all financial obligations are not met on time, administrative sanctions may be imposed.

## MISINFORMATION

No person shall knowingly provide misinformation on institutional admission, financial aid, or similar forms when requested by McKendree University.

## RECORDS

McKendree University Office for Student Affairs will keep records related to judicial matters for no more than five years. In cases that involve sexual discrimination, the records shall be kept indefinitely.

## REGISTRATION OF SEX OFFENDERS

McKendree University complies with the Illinois Sex Offender Registration Act (730 ILCS 150), which requires all sex offenders employed by or attending an institution of higher education to be registered with the public safety or security director of the institution of higher education. In compliance with this Act, any student, faculty, or staff member who is registered as a sex offender must register in person within 3 days of beginning classes or employment at the McKendree Public Safety office, located at 802 College Road, Lebanon, IL 62254. Failure to comply with registering could result in expulsion.

## RESIDENCY REQUIREMENT

It is the University's policy to require students to reside in the residence halls. The primary goals of this policy are to extend the university educational experience for students and to create a residential community. Residence Life staff works with students to ensure McKendree's residence halls are attractive places to live that facilitate student growth and development. Each hall develops its own sense of identity and community spirit, becoming an integral part of the overall campus living environment.

**All students must either 1) submit a Housing Application (incoming students), 2) renew their housing contract through the Housing Portal (returning students), or 3) apply to Waive the Residency Requirement.**

By submitting a Housing Application or completing the contract renewal through the Housing Portal, a student has indicated that they have read and agree to the terms and conditions of the Housing and Meal Plan Contract, to which they will remain bound until they are officially released from the residency requirement. **Housing and Meal Plan Contracts are ongoing, continuous, and binding.**

## THE PROCESS TO WAIVE RESIDENCY REQUIREMENT

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Students wishing to live off campus must submit an **Application to Waive the Residency Requirement** for consideration by the Office of Residence Life. The application form can be picked up from the Office of Residence Life; it can also be downloaded from the Residence Life webpage.

To be eligible for a waiver, the student must, at the beginning of the term for which the application is being submitted, meet at least one of the following criteria:

- Commuting from a permanent residence within 30 miles of the university of a legal guardian
- 21 years of age **and** hold 60 credit hours.
- Married, or has custodial care of dependent children,
- Veteran with at least two years of active military duty,
- Financial hardship,
- Taking online courses, or
- Student teaching, co-op, and internship outside a 30-mile radius of McKendree University

**Students should not consider themselves released from the residency requirement before receiving written approval from the Office of Residence Life.** A student who is seeking a waiver of the residency requirement should **not** enter any purchase, lease, or rental agreement with a third-party realtor or a lessee until they have received their approval notification.

Waiver applications must be turned in to the Office of Residence Life on or before **July 1** for exemption from housing for the fall semester, or on or before **January 1** for exemption from housing for the spring semester. Upon receipt of this application and all necessary documentation, the application will be reviewed and considered by the Office of Residence Life, and the decision will be communicated to the student.

Students who wish to appeal a rejected application should submit an appeal via their McKendree email to the Office of Residence Life at [reslife@mckendree.edu](mailto:reslife@mckendree.edu).

# ASSISTANCE ANIMAL POLICY

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## I. STATEMENT OF POLICY

McKendree University (the "University") supports the use of service animals and emotional support animals, collectively termed "assistance animals," on campus by students with disabilities in proper circumstances and in accordance with this Policy. Individuals with questions about the use of assistance animals should refer to this policy and/or contact the AVP for Student Affairs ("Coordinator for Disability Services"). The ADA/Section 504 Coordinator's contact information is as follows: Jennifer Miller, Assistant Vice President for Student Affairs, Clark Hall, Lebanon, IL 62254, (618) 537-6572.

## II. DEFINITIONS

- A. **Service Animals** are defined under the Americans with Disabilities Act, as amended, ("ADA") as dogs that are individually trained to do work or perform tasks for people with disabilities. Service animals are working animals, not pets. The work or tasks performed must be directly related to the individual's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.
  1. Examples of work or tasks that service animals perform include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as books or the telephone, alerting a person to a sudden change in blood sugar levels, providing physical support and assistance with balance and stability to individuals with mobility disabilities, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
  2. Under Illinois law, miniature horses may also be considered service animals in certain situations.
- B. **Emotional Support Animals** – An emotional support animal (ESA) is a companion animal that provides therapeutic benefits, such as alleviating or mitigating symptoms of a person's disability. Emotional support animals are not service animals. However, emotional support animals will be allowed in residential facilities with prior approval from the AVP for Student Affairs pursuant to the procedures and standards outlined in this Policy.
- C. **Owner** – A student who has an approved emotional support animal in residential housing.
- D. **Handler** – A person with a disability aided by a service animal; a personal care attendant who handles a service animal for a person with a disability.
- E. **University Property** – any buildings or land owned, supervised, or leased by McKendree University or subject to its control.

## III. SPECIFIC PROCEDURES FOR STUDENTS

- A. **Service Animals** – Students with disabilities who wish to bring a service animal on to University Property – including residential facilities, classrooms, and other University buildings – may do so without prior approval. However, they are strongly encouraged to reach out to the AVP for Student Affairs to ensure that their experience bringing the animal to campus is smooth. Additionally, students with service animals who plan to live in residential facilities are also strongly encouraged to inform the Office of Residence Life that they plan to have a service animal living with them. Advance notice of a service animal in residential facilities allows more flexibility in meeting a student's needs.
- B. **Emotional Support Animals** – Students who wish to bring an ESA into residential facilities as an exception to the "no pet" policy must go through the reasonable accommodation process with the AVP for Student Affairs. Emotional support animals are not allowed in university facilities except in the housing unit for which they have been approved. Emotional support animals will not be allowed to reside in University Housing until formal approval has been granted. Emotional Support Animals must be domesticated animals, be a minimum of 1 year in age and have been owned by the student for at least 3 months
- C. **Process for approval for ESA** - Students requesting ESA accommodation must submit all required documentation to the AVP for Student Affairs. Determinations will be made on a case-



by-case basis by the Accessibility Committee monthly meeting. Completed applications that are received by the 10<sup>th</sup> of the month will be taken to the subsequent meeting. If an application is missing any documentation, it will be denied, but the student can submit additional documentation for consideration at the next meeting to the AVP. The Committee will meet on the third Friday of every month, except for January and August.

1. The Emotional Support Animal Request Form (Completed by the Student), which includes:
    - a. Vaccination documentation from the animal's veterinarian.
    - b. Verify the health status of the animal's veterinarian.
    - c. Verify the animal's age with the animal's veterinarian.
    - d. Proof of ownership history, such as veterinary or adoption records, showing the student/student's family has owned the animal at least three months; and
    - e. The Emotional Support Animal Documentation form (must be from a reliable third party who is a qualified professional with whom the student has an established treatment relationship (three or more visits) (treating physician, psychiatrist, psychologist, social worker or other mental health or healthcare professional). The qualified professional must not be a family member, must not be an employee of the university and must be from the state of the student's residence or from the state of the University's campus the student attends.)
  2. The Emotional Support Animal Documentation Form (Completed by the Medical Professional), which includes:
    - a. Student name
    - b. Student date of birth
    - c. Describe your relationship with the student and how long you have been treating the student.
    - d. Provide the background and history of the student's medical condition(s).
    - e. Indicate the current diagnosis/diagnoses (i.e., ICD or DSM code, etc.) and severity of the condition(s).
    - f. Indicate the current impact of the condition/diagnosis and demonstrated functional impact of the condition on the student.
    - g. Please indicate any current or past accommodations, auxiliary aids, and/or support services utilized to reduce the impact of the functional impact of the condition.
    - h. Indicate all recommended accommodations and the reason(s) these are medically necessary.
    - i. Please indicate the risk, scope, and severity of impact if the recommended accommodations are not provided.
- D. **Criteria for Determining If Presence of the Emotional Support Animal is Reasonable** - The question in determining if an ESA will be allowed in university housing is whether or not the ESA is reasonable and necessary to afford an individual with a disability an equal opportunity to use and enjoy University housing. A request for an ESA may be denied as unreasonable if the presence of the animal
1. imposes an undue financial and/or administrative burden,
  2. fundamentally alters University housing policies, and/or
  3. poses a direct threat to the health and safety of others and/or
  4. would cause substantial property damage to the property of others, including University property.
- E. McKendree University may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESA:
1. The animal's size is too large for the available assigned housing space.
  2. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment.
  3. The animal is not housebroken or cannot live with others reasonably.
  4. The animal's vaccinations are not up to date.

5. The animal poses or has posed a direct threat to the individual or others, such as aggressive behavior towards or injuring the individual or others or
  6. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- F. Students whose request for an ESA is denied can submit new documentation. The new documentation will be provided to the Housing Accommodation Committee for reconsideration.
1. Once the Accessibility Committee verifies that the student's request to have an ESA on campus meets the standard of reasonable accommodation, the student must then be approved by the Office of Residence Life. McKendree University will not limit room assignments for individuals with ESAs to any particular building or building. However, University housing is unique in several aspects, including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in specific residence halls. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of university housing, McKendree University reserves the right to assign an individual with an ESA to a single room without a roommate.
  2. The Director of Residence Life will make a housing assignment in a suitable residence in a hall designated as "animal compatible." There will be "animal compatible" housing in each style available on campus (freshman housing, suite-style housing, upper-class corridor housing), although not necessarily in each residence hall or every floor. There will also be "animal-free" housing wings/floors in each housing style available on campus.
  3. The Office of Residence Life will then contact the student, who must complete the following steps before bringing their ESA on campus:
    - a. The Roommate Agreement form,
    - b. The Room Ready Checklist which is conducted with a staff member to ensure that there are proper animal care items and required proof of St. Clair County Animal Registration,
    - c. Information for an Emergency Boarder/Caregiver for the Animals, and
    - d. A photo of the animal so that the staff can easily identify them on campus.
  4. After these steps are completed, the student will receive an email from the Office of Residence Life indicating that they have successfully completed all the necessary steps to have their ESA on campus.
  5. Students can submit an ESA accommodation request at any time. However, students are encouraged to submit their materials before receiving their housing assignment to ensure appropriate accommodation for both students and roommates. The suggested dates are:
    - a. Incoming Students
      - i. Fall Semester: May 10
      - ii. Spring Semester: December 10
    - b. Current/Returning Students
      - i. Fall Semester: March 10
      - ii. Spring Semester: December 10
  6. ESA accommodation is only good for the academic year during which they were granted. Students must reapply for each academic year they wish to have an ESA. Students who initially apply for the spring semester must reapply by the fall semester deadline to carry over their accommodations to the next academic year.
  7. Students must notify the AVP for Student Affairs promptly of any changes to the information on their animals' registration forms.
  8. It is not required but strongly recommended that Owner/Handlers acquire liability insurance.

#### IV. GENERAL STANDARDS FOR THE REMOVAL OF ASSISTANCE ANIMALS OR THE DISAPPROVAL OF REQUESTS FOR EMOTIONAL SUPPORT ANIMALS

- A. Decisions to remove an assistance animal or disapprove a request for an emotional support animal will be made on a case-by-case basis, considering all surrounding circumstances.

However, the following general standards reflect the reasons why an animal may be removed or a request for an animal may be disapproved:

1. The animal poses a direct threat to the health or safety of others. For example, the animal displays vicious behavior towards others or has a serious illness.
  2. The animal causes or would cause substantial physical damage to the property of the University and other community members, including but not limited to students, faculty, staff, and visitors.
  3. The animal poses or would pose an undue financial and administrative burden to the University.
  4. The animal fundamentally alters or would fundamentally alter the nature of the University's housing and/or general operations.
  5. The animal is out of control and the Handler/Owner does not take effective action to control it. If the out-of-control behavior happens repeatedly, the Handler/Owner may be prohibited from bringing the animal into university facilities until the Handler/Owner can prove that he/she has taken significant steps to mitigate the behavior.
  6. The animal is not housebroken.
  7. The Handler/Owner does not abide by his/her responsibilities as outlined in Section V of this Policy.
- B. Handlers/Owners who do not uphold the responsibilities outlined in Section V of this Policy may be granted a warning, depending on the severity of the violation, but are not entitled to one. If the violation is not corrected, persists, or occurs again, the University reserves the right to remove the animal from University Property.
- C. When an animal has been appropriately removed pursuant to this Policy, the University will work with the Handler/Owner to determine reasonable alternative opportunities to participate in the University's services, programs, and activities without having the animal on the premises.

#### V. RESPONSIBILITIES OF HANDLERS/OWNERS

- A. **Laws, Ordinances, and Policies** – Handlers/Owners are responsible for complying with all state laws and local animal ordinances and are subject to all University policies and guidelines regarding Residence Life.
1. Per the laws of St. Clair County, all pet cats and dogs living in the county must be registered.
  2. Please see the county's animal registration page for more information and costs.
- B. **Proper Identification** – All animals are subject to local licensing and registration requirements.
1. Every ESA must have an identification name, i.e., dog tag, if applicable, on them at all times.
  2. Every housing assignment with an ESA will be provided with an emergency placard by the Office of Residence Life after the animal is approved to come to campus. This enables Emergency personnel to identify areas where ESA's may need to be assisted. Displaying of the placard is at the discretion of the resident. (see Section III.3)
- C. **Health and Vaccination** – Animals must have vaccinations against diseases common to that type of animal, i.e., any vaccinations required for boarding purposes. All vaccinations must be current. The University reserves the right to make reasonable requests for updated vaccination documentation during the animal's residency. Animals must wear a rabies vaccination tag (if applicable), be treated with a flea prevention agent, such as a pill or spray (if applicable), and, in the case of emotional support animals, vaccination documentation must be provided to the AVP for Student Affairs prior to the animal being allowed into any residence hall.
- D. **Caring for the Animal** – The cost of care, as well as arrangements and responsibilities for the well-being of the animal, are the sole responsibility of the Handler/Owner at all times. The University will accept no responsibility for the care of any animal covered by this Policy.
1. Animals must be well-groomed (residential facilities such as showers, tubs, sinks, and the like may not be used for this purpose).

2. Animals cannot be left unattended overnight at any time. If the Handler/Owner must be away overnight, they must either take the animal with them or make arrangements for the animal to be cared for elsewhere off-campus.
  3. Animals left unattended in living space must be crated (or equivalently contained, in the case of animals other than dogs and cats).
  4. Animals cannot be confined to a vehicle, tethered, or abandoned at any time.
  5. Regular and routine cleaning of floors, kennels, cages, etc. must occur. The odor of an animal emanating from a residence hall room is not acceptable.
- E. **Keeping the Animal Under Control** – The animal should respond to voice and/or hand commands at all times or otherwise be fully controlled by the Handler/Owner.
- F. **Being Responsible for Damage Caused by the Animal or Its Presence**– Handlers/Owners are personally responsible for any damage caused by their animals or by the manner in which they care for the animals and must take appropriate precautions to prevent property damage. The Handler/Owner will have to pay for any damage caused.
1. An individual in a residence hall with an animal covered by this Policy has an obligation to make sure that his/her residence is as clean and damage-free as the original standard, excepting normal wear and tear.
  2. When the individual moves out of residential housing or no longer owns the animal, the residence will be assessed to decide if damage to university property or extraordinary cleaning costs are attributable to the animal or its presence. If so, the owner will be financially responsible for associated costs.
  3. The University maintains the right to conduct facility inspections for the purpose of assessing the damage caused by the animal or its presence or otherwise deciding compliance with this Policy.
  4. If an animal causes substantial damage to the property of others that cannot be reduced or eliminated by reasonable accommodation, the animal may be excluded from living in University Housing.
  5. The University reserves the right to bill an Owner/Handler's account for any unmet obligations arising for damage caused by their animal.
- G. **Being Responsible for Waste** – Cleaning up after the animal is the sole responsibility of the Handler/Owner and it must be done so at once. If the Handler/Owner is not physically able to clean up after the animal, it is then the responsibility of the Handler/Owner to hire someone capable of cleaning up after the animal.
1. Outdoor waste, such as dog feces, must be picked up in a plastic bag, tied securely, and disposed of in an outside dumpster immediately.
  2. Indoor waste, such as cat litter, must be placed in a sturdy plastic bag and tied securely before being disposed of in outside dumpsters. The area surrounding the litter box must be kept clean, and litter mats should be placed under the box to prevent litter from being tracked onto carpeted surfaces. Cat litter is not to be flushed in any circumstances, even when advertised as "flushable" litter.
  3. If you cannot personally dispose of the waste due to the nature of your disability, you must arrange for the waste to be disposed of in some other manner.
  4. Residence Life reserves the right to appoint certain areas indoors or outdoors for animal waste elimination and to prohibit animal waste in any other common area (even if there is immediate clean-up).
- H. **Leash Requirements** – Service animals should always be on a leash unless the Handler cannot use a leash due to a disability or the use of the leash would interfere with the animal's ability to perform its duties. Emotional support animals must be on a leash, in a crate, or contained outside the Owner's residence.
- I. **Observing Good Animal Etiquette** – To the greatest extent possible, the Handler/Owner should ensure that the animal does not display behaviors or make noises that are disruptive or frightening to others unless it is part of the service being provided to the handler (e.g., barking to alert the handler of danger). The animal must have friendly and sociable characteristics.

- J. **Other Conditions and Restrictions** – In response to a particular situation, the University reserves the right to impose other reasonable conditions or restrictions on using assistance animals as necessary to ensure the health, safety, and reasonable enjoyment of university programs and activities by others.
  - 1. Residence Life may relocate an Owner/Handler and their animal as necessary, provided the new site is consistent with the terms of the student's current contractual agreement.
- K. Any violation of the above guidelines will be reviewed through the University judicial process; owner/handlers will be afforded all due process rights and appeal as outlined in the Student Handbook. If multiple violations occur, the University reserves the right to remove the animal from university property, as this policy outlines.

## VI. OTHER INFORMATION SPECIFICALLY RELATED TO SERVICE ANIMALS

### A. Permitted Inquiries

- 1. In general, University community members should not ask about the nature and/or extent of a person's disability. However, as permitted by the ADA, if it is not evident that the animal is required because of a disability, the Handler may be asked:
  - a. If the animal is required because of a disability and
  - b. What work or task has the animal been trained to perform?
- 2. The Handler should not be asked for documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- 3. Generally, University community members should not inquire about a service animal when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (*e.g.*, if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

### B. Areas Off Limits to Service Animals

- 1. While service animals are generally allowed to go anywhere on campus that the Handler is allowed to go, there are certain areas where the presence of a service animal fundamentally alters the nature of a program or activity or is disruptive. Examples of the areas that are off-limits to service animals include:
  - a. **Research Laboratories:** The natural organisms carried by service animals may negatively affect the research's outcome. At the same time, the chemicals and/or organisms used in the research may be harmful to service animals.
  - b. **Mechanical Rooms/Custodial Closets:** Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may harm animals.
  - c. **Food Preparation Areas:** Food preparation areas are off-limits to service animals according to health codes.
  - d. **Areas Where Protective Clothing is Necessary:** Any room where protective clothing is worn is off-limits to service animals.
  - e. **Areas Where There is a Danger to the Service Animal:** Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor (*e.g.*, molten metal or glass); where there is a high level of dust; or where there is moving machinery is off-limits to service animals.
- 2. Questions about areas that are off-limits to service animals should be directed to the ADA/Section 504 Coordinator or, in a laboratory setting, the laboratory instructor. Exceptions may be granted in some circumstances.

## VII. ADDITIONAL MATTERS

### A. Roommates

- 1. Service Animals
  - a. Handlers do not have to register their animals with Disability Services nor to notify Residence Life prior to move-in that an animal will be accompanying them

to campus. However, it is strongly encouraged that they do so to avoid the possibility of being moved after move-in due to roommate conflict or allergies.

- b. Should a Handler's roommate(s) object to the animal's presence, Residence Life will work with the Handler to relocate them to a different housing assignment with roommates who agree to share space with an animal.
- c. Once Residence Life becomes aware of the presence of a service animal (whether before move-in or at move-in), residents on the floor will be notified of the presence of an animal to alert students who may have allergies.

## 2. Emotional Support Animals

- a. Potential roommates will be asked to sign the Roommate Agreement Form to verify their agreement to share a living space with an animal. If potential roommates do not agree to share space with an animal, Residence Life will assign the Owner a different housing placement.
  - b. If, later, there is a conflict between roommates about the animal that cannot be resolved amongst the individuals involved, Residence Life should be contacted. Appropriate parties will be consulted to reach a solution.
- B. **Animal No Longer Necessary** – The AVP for Student Affairs should be notified when an animal covered by this Policy will no longer reside or, in the case of emotional support animals, is no longer needed as an accommodation.
- C. **Conflicting Disabilities**—Some people may have substantial allergic reactions, asthma, respiratory diseases, etc., to animals that qualify as disabilities. The University will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodation should contact the ADA/Section 504 Coordinator.
- D. **Concerns**—Concerns about an animal covered by this policy should be directed to Residence Life staff, and concerns about the policy itself should be directed to the ADA Coordinator.

# BIAS OR HATE CRIME REPORTING PROTOCOL

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Bias incidents refer to conduct, speech, images, or expressions that demonstrate conscious or unconscious bias which targets individuals or groups based on but not limited to their actual or perceived race, ethnicity, national origin, sex, gender identity, or expression, sexual orientation, disability, age, religion, socioeconomic status or other social identities.

A bias incident is different from a hate crime in that it does not necessarily involve criminal activity. A hate crime is generally defined in federal and state statutes as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against the victim's identity or group affiliation. Students and employees are encouraged to report all types of bias-related incidents precipitated by intolerant behaviors.

## GUIDELINES FOR REPORTING BIAS-RELATED INCIDENTS:

- Student submits a Bias/Hate Crime Incident Report via the McKendree University website on My MCK homepage by clicking the Incident Reporting tile, clicking on *Bias or Hate Crime Reporting Form*, and clicking Submit.
- Once submitted, the Incident Report is routed to the Dean of Students, Title IX Coordinators (if applicable) and Director of Public Safety, and the Director of Human Resources, if the incident involves an employee.
- The Dean of Students, Title IX Coordinators, or the Director of Human Resources shares the incident report with the President of the University. If an employee is involved in a bias incident, the Director of Human Resources contacts the employee's supervisor.
- The Dean of Students, Title IX Coordinators, or designee will contact the student offering interim support measures. When necessary, the Director of Human Resources meets with the employee to offer interim support measures.
- The Director of Public Safety and the Dean of Students, Title IX Coordinators, or the Director of Human Resources review the incident description to determine if a Campus Clery notification is required. If a Clery notification is not required, the Director of Public Safety may determine if a general campus notification is necessary and the appropriate timeline for doing so.
- The Director of Public Safety or designee notifies the Lebanon Police Department and/or Illinois State Police. State and Local police departments' investigations take precedence over McKendree University's internal investigations.
- The Director of Public Safety and the VPSA or the Director of Human Resources lead the investigation unless the incident falls under a possible Title IX Sexual Harassment IX Policies & Procedures violation. The Title IX Coordinator or Deputy Title IX Coordinator will take the lead on incidents constituting Title IX bias-related acts regarding sex, gender, gender identity, and expression and sexual orientation.
- Outcomes of investigation could lead to civil and/or student code of conduct disciplinary sanctions.

# COMPUTING USE POLICY

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McKendree University offers computing and networking resources to students, faculty, and staff for many different purposes. These resources, networked for the benefit of the entire campus community, are continually updated and maintained to ensure that the University can fulfill its mission for teaching, research, and service to the students and the community at large. Computing resources at McKendree are limited; how individual users access those resources can impact the work of other McKendree users and users throughout the world because our campus network is linked via the internet to other networks worldwide. Every campus user must acknowledge his or her responsibilities and obligations regarding proper computer use and behavior.

Because of the rapid evolution of computing and information networks, the University reserves the right to modify the text of these policies, by approval of the Technology Advisory Committee, the Faculty Affairs Council, and the general faculty. While users will be kept apprised of any changes, it is the user's responsibility to remain aware of current regulations.

Common sense is a good guide to what constitutes appropriate behavior and use of computers and networks. You should respect the privacy of others and use computing resources consistent with the instructional and research objectives of McKendree University.

## UNIVERSITY RESPONSIBILITIES

McKendree University owns most of the computers and all internal computer networks used on the campus. The University also has various rights to the software and information contained on, developed on, or licensed for these computers and networks. The University is responsible for administering, protecting, and monitoring this aggregation of computers, software, and networks.

The purposes of the Technology Advisory Committee (TAC), specifically; the Information Technology Department (IT), specifically; and McKendree University, generally, are to:

1. Establish and support reasonable standards of security for electronic information that community members produce, use, or distribute, and protect the privacy and accuracy of administrative information that the University maintains. TAC will adjudicate any formal complaints that might arise concerning these matters, using input from IT and the Provost's office.
2. Protect University computers, networks, and information from destruction, tampering, and unauthorized inspection and use.
3. Provide information technology resources to support activities connected with instruction, research, and administration.
4. Delineate the limits of privacy that can be expected in the use of networked computer resources and preserve freedom of expression over this medium without condoning abusive or unlawful activities.
5. Ensure that University computer systems do not lose important information because of hardware, software, or administrative failures or breakdowns. To achieve this objective, duly authorized individuals hired by the University to function as systems or technical managers may occasionally need to examine the contents of files to diagnose or solve problems.
6. Communicate University policies and individuals' responsibilities systematically and regularly in a variety of formats to all parts of the University community.
7. Monitor policies and propose changes in policy as events or technology warrant.
8. Manage computing resources so that members of the University community benefit equitably from their use. To achieve this objective, duly authorized individuals hired by the University to function as systems or technical



administrators may, in conjunction with the TAC, occasionally need to restrict inequitable computer use, including shared systems or the network. For example, the University reserves the right to restrict users from using any unduly resource-intensive program. TAC will adjudicate any formal complaints resulting from interpretations of these restrictions in all areas of IT/academic overlap.

9. Enforce policies by restricting access in cases of serious violations. For example, in appropriate circumstances, duly authorized individuals hired by the University to function as systems or technical administrators may, in conjunction with the TAC, find it necessary to lock a user's account. In such circumstances, if there is not a resolution within 24 hours, the systems administrator or the user should refer the matter to the appropriate official for follow-up and resolution. (See section on sanctions for more details.) TAC will adjudicate any formal complaints resulting from interpretations of these restrictions in all areas of IT/academic overlap.

Academic Computing Use policies will be developed collaboratively by the Department of Information Technology and the Technology Advisory Committee.

## INDIVIDUAL RESPONSIBILITIES

McKendree University supports networked information resources to further its mission of research and to foster a community of shared inquiry. All members of the University community must be cognizant of the rules and conventions that make these resources secure and efficient. It is the responsibility of each member of the University community to:

1. Respect the right of others to be free from harassment or intimidation to the same extent that this right is recognized in the use of other media or communications.
2. Respect copyright and other intellectual property rights. Unauthorized copying of files, information, or passwords belonging to others, or the University may constitute plagiarism or theft. Modifying files without authorization (including altering information, introducing computer viruses, Trojan horses, or worms, or damaging files) is unethical, may be illegal, and may lead to sanctions.
3. Maintain secure passwords. Users should establish appropriate passwords in the first instance, change them occasionally, and not share them with others.
4. Use resources effectively. Accept limitations or restrictions on computing resources – such as storage space, time limits, or number of resources consumed – when asked to do so by systems administrators.
5. Recognize the limitations of privacy afforded by electronic services. Users have a right to expect that only those to whom permission is given will see what they create, store, and send. Users must know, however, that the security of electronic files on shared systems and networks is not inviolable – most people respect the security and privacy protocols, but a determined person can breach them. Users must also note that, as part of their responsibilities, systems or technical managers may occasionally need to diagnose or solve problems by examining the contents of files.
6. Learn to use software and information files correctly. Users should maintain and archive backup copies of important work. Users are responsible for backing up their own files. They should not assume that files on shared machines are backed up. If users choose to participate in a backup service, they should become familiar with the schedules and procedures of that service. They should also learn to properly use the features for securing or sharing access to their files.
7. Abide by security restrictions on all systems and information to which access is permitted. Users should not attempt to evade, disable, or “crack” passwords or other security provisions; these activities threaten the work of others and are grounds for immediate suspension or termination of privileges and possible additional sanctions.

McKendree University extends these principles and guidelines to systems outside the University accessed via its facilities. Network or computing providers outside McKendree University may also impose their own conditions for appropriate use, which users at this University are responsible for following.

## SANCTIONS

Individuals or groups who act in a manner contrary to existing policy and accepted social standards for computer use are subject to the sanctions and judicial measures normally applied to misconduct or law-breaking. Established University channels handle computing policy violations. In the first instance, the appropriate computing administrators will address such matters. Whenever it becomes necessary to enforce University rules or policies, a duly authorized administrator hired by the University to function as systems or technical administrator may, in conjunction with the TAC, prohibit network connections by certain computers (even departmental/divisional and personal ones); require adequate identification of computers and users on the network; undertake audits of software or information on shared systems where connected to the network; or deny access to computers, the network, and institutional software and databases. TAC will adjudicate any formal complaints that may arise and make recommendations to the appropriate University divisions (i.e. the faculty, IT, and the administration). The University's legal counsel will aid in understanding possible violations of rights and individuals.

If the infringement is not settled in discussion with the computing administrator, a matter involving students will be referred to the Dean of Students; a matter involving faculty will be referred to the division chair and/or the Provost; and a matter involving staff will be referred to the immediate supervisor, the manager of the unit, or the Director of Human Resources. TAC and the University's counsel will adjudicate formal complaints. In addition, certain kinds of abuse may entail civil or criminal action as well.

## PRINTING

1. Scope
  - a. This policy is exclusive to the student labs located on the Lebanon and Radcliff campuses when used by students of McKendree University.
2. Balance and Carryover
  - a. Each student will be allocated five hundred (500) credits for printing. This balance will be reset to five hundred (500) at the start of the Lebanon Spring semester, the Lebanon Fall semester, and the Lebanon Summer semester. There will be no carryover of the remaining balance unless accepted under Section 2(B).
  - b. If a student purchases additional pages, the balance will be carried over in addition to the five hundred (500) credits supplied at the semester start points.
  - c. When a student reaches zero (0) credits, they cannot print unless they purchase additional credits listed in Section 3(D).
3. Credit Expenditures and Purchases
  - a. Each page printed using a black and white printer will remove one (1) credit from a student's balance.
  - b. Each page printed using a color printer will remove seven (7) credits from a student's balance.
  - c. When a student reaches zero (0) credits they will be unable to print.
  - d. Additional credits may be purchased from the business office at a rate of five cents (\$0.05) per credit and will be available for purchase in one-dollar (\$1) increments.
4. Refunds for Service Failure
  - a. Should a student encounter a printing issue the following information must be supplied to the Department of Information Technology to request a refund of credits:
    - (i) – Any improperly printed pages
    - (ii) – The date and time when the print was executed
    - (iii) – Location of the printer that failed
  - b. The decision to refund print credits is left wholly up to the Department of Information Technology and any decision made regarding print credit refunds is final.

- c. If a student leaves a computer unattended after logging in with their username and password and credits are spent by another individual during the time a computer is unattended, then the Department of Information Technology will not issue a refund of credits lost.

5. Student Groups

- a. Students printing for any entity other than themselves may use one of the following methods to print:
  - (i) – A student may use their own print credit allocation
  - (ii) – A student may make arrangements with the Print Shop for printing
  - (iii) – A student may contact their group advisor for an additional option

# DRUG-FREE SCHOOL AND COMMUNITY ACT

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## STANDARDS OF CONDUCT

For McKendree University to comply with the Drug-Free Schools and Communities Act and Education Department General Administrative Regulations (EDGAR) Part 86, the Drug-Free Schools and Campuses Regulations, McKendree University is required to notify the campus community of the following: policies related to drugs and alcohol, sanctions for violating these policies, and resources available for education and assistance. Additional information regarding student policies and procedures may be found in the Student Handbook available online. If you have questions about this notification, contact the Office for Student Affairs at (618) 537-6555.

## NARCOTICS AND DANGEROUS DRUGS

No person shall possess, use, or have under his/her control narcotics, dangerous drugs, synthetic drugs, or any controlled substance without prescription including, but not limited to, marijuana\*, methamphetamines, barbiturates, cocaine, or hallucinogens in any building or on any property owned or controlled by the university. Additionally, any person suspected of selling controlled substances and/or dangerous drugs as described above will be immediately reported to the Office for Student Affairs for investigation and may be subsequently subject to civil prosecution as well as university judicial action under the provisions of this document. The university may hold persons responsible for their behavior.

*\*The Illinois Cannabis Regulation and Tax Act (CRTA), authorizing individuals over the age of 21 to recreationally use marijuana in the state of Illinois, does not change this prohibition or authorize a student to use marijuana on the university-owned or operated property. Federal law, including the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, continues to prohibit marijuana. Thus, marijuana use, possession, production, manufacture, sale, possession with intent to sell, trafficking, or distribution, even if in compliance with CRTA, is prohibited on campus.*

## POSSESSION OR USE OF ALCOHOLIC BEVERAGES

No person shall use, possess, and/or distribute any alcoholic beverage on the university-owned or operated property with the following exceptions: 1) if a resident of 21+ Approved Housing (effective Fall 2022), 2) Bearcat Boulevard Tailgating and other athletic events, and 3) Hett Events.

## LEGAL SANCTIONS

This information is provided as a general summary of the major federal, state, and local laws on alcohol and illicit drugs. Laws frequently change and applications of law to specific situations require legal counsel.

### STATE SANCTIONS

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State of Illinois statutes and sanctions on alcohol and/or illicit drugs include: driving under the influence of alcohol and/or other drugs (625 ILCS 5/11-501); driving while in violation of the underage consumption of alcohol (625 ILCS 5/11-501.8); transporting or possessing alcohol in a motor vehicle (625 ILCS 5/11-502); selling or possessing alcohol by persons under the age of 21, permitting a gathering where alcohol is consumed by those under the age of 21, selling or giving a false ID to a person under the age of 21 (235 ILCS 5/6-16); misrepresenting one's age to be over the age of 21 to obtain alcohol (235 ILCS 5/10-11); and possessing and delivering illicit drugs (740 ILCS 40/0.01 et seq., 720 ILCS 570/100 et seq., 720 ILCS 550/1 et seq. and 720 ILCS 570/401 seq.). Violations of these laws involving alcohol may include one or more of the following penalties: fines up to \$2,500, one year in jail, felony charges, and suspension or revocation of driver's license. Violations of these laws involving drugs as a first offense may include fines up to \$25,000 and one- to three-year imprisonment. Repeat offenders and those individuals participating in the manufacture and distribution of controlled substances may be subjected to long prison terms and fined up to \$500,000. See the Illinois Compiled Statutes for more information: <http://www.ilga.gov/legislation/ilcs/ilcs.asp>.

## SYNTHETIC DRUGS

Potentially deadly drugs marketed as Bath Salts, Synthetic Marijuana, K2, Spice, K3, K4 White Widow, and other names are illegal in Illinois as of January 1, 2012. Individuals face felony charges for possession or sale of the drug. Individuals in possession of the drug face three years in prison and \$25,000 in fines.

## FEDERAL SANCTIONS

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Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances"). A first conviction may include up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least fifteen days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least ninety days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of crack cocaine (21 U.S.C. §844(a)). If personal or real property was used to possess or facilitate possession of the controlled substance, that personal and real property as well as vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance may be forfeited (21 U.S.C. §§853(a) & 881(a)). Student loans, grants, contracts, and professional and commercial licenses, up to one year for the first offense and up to five years for second and subsequent offenses may be denied (21 U.S.C. §§853(a) & 881(a)). Firearms may not be received or purchased (18 U.S.C. §922(g)). Certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies. These penalties may be doubled, however, when a person at least eighteen years old: (1) distributes a controlled substance to a person under twenty-one years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or a public or private college (21 U.S.C. §§859 & 860). See the United States Code for more information: <http://www.gpoaccess.gov/uscode/index.html>.

## LOCAL SANCTIONS

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There are no local sanctions in addition to the state and federal sanctions listed above.

## HEALTH RISKS

Under no circumstances does McKendree University condone drug or alcohol abuse. All students will be subject to federal, state and local laws and appropriate judicial action as described in the McKendree University Student Handbook. The following is a list of examples of drugs of abuse and their health risks. This is not to be considered a complete list but serves as an example. This list can change at the discretion of the university.

### 1. Narcotics

#### Heroin, Morphine, Hydrocodone

- Effects: Euphoria, drowsiness, respiratory depression, constricted pupils, nausea
- Effects of Overdose: Slow and shallow breathing, clammy skin, convulsions, coma, possible death

### 2. Depressants

#### GHB, Liquid Ecstasy, Valium, Xanax, Halcion, Ativan

- Effects: Slurred speech, disorientation, drunken behavior without odor of alcohol
- Effects of Overdose: Shallow respirations, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death

### 3. Stimulants

#### Cocaine, Amphetamine/Methamphetamine

- Effects: Increased alertness, excitation, euphoria, increased pulse and blood pressure, insomnia, loss of appetite
- Effects of Overdose: Agitation, increased body temperature, hallucinations, possible death

### 4. Hallucinogens

#### Analogs, LSD, PCP, Angel Dust

- Effects: Heightened senses, teeth grinding and dehydration, illusions and hallucinations
- Effects of Overdose: Increased body temperature, electrolyte imbalance, possible cardiac arrest

5. Cannabis  
Marijuana, Tetrahydrocannabinol, Hashish
  - Effects: Euphoria, relaxed inhibitions, increased appetite, disorientation
  - Effects of Overdose: Fatigue, paranoia, possible psychosis
6. Anabolic Steroids  
Testosterone
  - Effects: Virilization, edema, testicular atrophy, gynecomastia, acne, aggressive behavior
  - Effects of Overdose: Unknown
7. Synthetic Drugs  
Bath Salts, Synthetic Marijuana, K2, Spice, K3, K4 White Widow, and other names
  - Effects: LSD-like hallucinations, elevated blood pressure and heart rate
  - Effects of Overdose: Possible death
8. Inhalants  
Amyl and Butyl Nitrate (pearls, poppers, rush, locker room)
  - Effects: Flushing, hypotension, headache
  - Effects of Overdose: Vomiting, respiratory depression, loss of conscious, possible death
9. Alcohol  
Beer, wine, liquor
  - Effects: Lowers inhibitions and brain functioning, judgment impaired, poor concentration, impaired coordination, increased heart rate
  - Effects of Overdose: Vomiting, unconsciousness, cold, clammy, pale or bluish skin, slow or irregular breathing, mental confusion, seizures, permanent brain damage, or possible death

## DRUG AND ALCOHOL PROGRAMS

In addition to providing various educational programs regarding alcohol and drug use throughout the course of the year, students may also get information regarding potential issues related to alcohol and/or drugs by contacting Health Services at (618) 537-6503, Counseling Services at (618) 537-6590, or the Office for Student Affairs at (618) 537-6555.

## CONDUCT SANCTIONS

Violation of the above policies may result in a Disciplinary Warning through Suspension or Expulsion sanction. In addition to sanctions imposed by the university, members of the McKendree community may face prosecution by civil authorities for violating the alcohol and drug policies.

# FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

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The Family Educational Rights and Privacy Act (FERPA) affords students certain rights concerning their education records. These rights are:

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**THE RIGHT** to inspect and review the student's education records within 45 days of the day the University receives an access request.

Students should submit to the registrar, dean, or chair of the academic division [or appropriate official] written requests that identify the record(s) they wish to inspect. The University official will make access arrangements and notify the student of the time and place where the records may be inspected.

If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

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**THE RIGHT** to request the amendment of the student's education records that the student believes is inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want to be changed and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

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**THE RIGHT** to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University may disclose education records in the following circumstances:

1. To school officials with legitimate educational interests. A school official is defined as a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility;
2. To comply with a judicial order or a lawfully issued subpoena;
3. To appropriate parties in a health or safety emergency;
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
5. To certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs;
6. To accrediting organizations to carry out their functions;
7. To organizations conducting certain studies for or on behalf of the University; or

8. The results of an institutional judicial proceeding against the alleged crime of violence may be released to the alleged victim of that crime concerning that crime.

*As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which education records and personally identifiable information (PII) contained in such records — including Social Security numbers, grades, or other private information — may be accessed without the student's consent.*

First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and PII without the student's consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to student education records and PII without the student's consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without consent PII from a student's education records, and they may track participation in education and other programs by linking such PII to other personal information about students that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

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**THE RIGHT** to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605**

The University may disclose Directory Information without a student's prior written consent. The University designates the following as Directory Information:

Name	Dates of attendance
Address (local and home)	Degrees and awards received
Telephone Number (local and home)	Most recent educational institution attended
Date and place of birth	Participation in activities and sports
Major field of study	Weight and height of members of athletic teams
Photos that may be published on the McKendree website or social media sites, magazines, brochures, or press releases	

Please note: McKendree University does not release lists of students to any outside entity except to branches of the armed forces in compliance with the Solomon Amendment.

Students may restrict the release of Directory Information, except to others as indicated in point #3 above. Requests for non-disclosure of Directory Information must be submitted annually **within two weeks of the start of an academic term (fall, spring, or summer)** and will be valid for the remainder of the academic year (fall through summer). Please note non-disclosure means the University will not release *any* information about the student to any third party. University personnel will respond



with the statement “we have no information on this individual” if a request is made. This may affect the student’s ability to receive financial aid, so careful consideration should be given before requesting non-disclosure. A non-disclosure form is available for your use from the Office of Academic Records. You may reach us by visiting the first floor of Old Main on the Lebanon Campus or by calling (618) 537-6819.

Students may allow other individuals access to both academic and financial information by completing the PROXY on SELF-SERVICE.

For purposes of compliance with FERPA, McKendree University considers *all* students independent. Parents who wish to have access to the academic records of a student should ask the student to submit a PROXY via SELF-SERVICE.

If a PROXY has been submitted, parents or other individuals granted access may:

1. Request to discuss the grades of the student after mid-term and final grades have been posted;
2. Request to speak to the instructors of the student regarding attendance, class participation, and grades the student has earned in the class; or
3. Request to have a meeting with the student and the student’s academic advisor, instructors, the Registrar (or another member of the Academic Records Office), or the Provost.

Please note: The only disclosure requirement that is a “must” under FERPA is to the student. All other disclosures, even with a student’s release proxy, are a “may”. The decision to engage in dialogue with a parent is up to the discretion of the faculty member or department personnel to whom the request is made.

A FERPA PROXY release does not grant the right to:

1. Receive written information about the student’s academic records, such as grade cards or transcripts;
2. Speak for the student regarding academic decisions;
3. Enroll or withdraw the student from classes;
4. Order a transcript on behalf of the student; or
5. Have a meeting with university personnel without the knowledge and presence of the student.

# MISSING STUDENT POLICY

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A student shall be deemed missing when he or she is absent from the University and/or has been reported missing by another individual without any known reason for more than 24 hours. All reports of missing students shall be directed to Public Safety and the Office for Student Affairs. After the student has been determined missing, Public Safety will immediately notify the Lebanon Police Department. All students shall have the opportunity to identify an individual to be contacted by the University in case a student is determined to be missing, or in other types of emergencies. If a missing student is under 18 years of age, the Vice President for Student Affairs is required to notify the parent or guardian of the missing student not later than 24 hours after the determination that the student is missing. The Vice President for Student Affairs, or designee, shall have the responsibility to make the provisions of this policy and the institutional procedures for a missing person available to students.

## PROCEDURE

Anyone who suspects a student may be missing should notify Public Safety, the Director of Residence Life, or the Office for Student Affairs immediately. In conjunction, the Student Affairs Office and Public Safety will investigate the situation and then determine if the student is missing. The Vice President for Student Affairs or designee will notify the President. Public Safety will notify the Lebanon Police Department within 24 hours after determining that the student is missing. The Vice President for Student Affairs will notify the individual identified by the missing student as the emergency contact within 24 hours of determining that the student is missing. If the missing student is under the age of 18, the Vice President for Student Affairs will notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing.

## STUDENT CONTACT INFORMATION AND NOTIFICATION OF POLICY PROCEDURES

Students may designate their emergency contact information on the housing application. The information is available from the Office of Residence Life, the Office for Student Affairs, and Public Safety.

University procedures for notifying students include posting the policy on the Office of Residence Life webpage, sending the policy to students by university e-mail, and including the policy in the McKendree University Student Handbook.

# PEACEFUL DEMONSTRATION POLICY

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Per the First Amendment of the Constitution of the United States and with the Statutes of the State of Illinois, McKendree University acknowledges and affirms the rights of individuals to demonstrate peacefully and in an orderly manner. All demonstrations held on university property must adhere to the regulations put forth in this policy.

McKendree University reserves the right to govern the time, place, or manner of demonstrations to ensure that any assembly does not 1) reasonably disrupt the business of the University, 2) interfere with the opportunity of other students to obtain an education, or 3) otherwise infringe upon the rights of others to freely participate in University programs and activities. This policy shall not be used as a means of censorship. The President, or designee, may prohibit any forum when, in his or her judgment, holding the event could result in physical harm or threat of physical harm to persons or property. Before any such prohibition, the President or designee shall make his or her best effort to consult with a designated member of the student or faculty organization sponsoring the demonstration.

1. Peaceful demonstrations are permitted by the University to attract attention to specific causes and to express grievances, so long as the demonstration adheres to the regulations put forth in this policy.
2. Sponsors of demonstrations must secure a registration permit from the Office of the Vice President of Student Affairs, or designee, at least 48 hours before the scheduled activity.
3. Registered, peaceful demonstrations are permitted in the following areas: North Quad, South Quad, the front lawn on the Lebanon campus, and outside of the buildings on the Kentucky campuses. Such activity is not permitted inside buildings or gymnasiums, or on athletic fields.
4. At no time shall a demonstration interfere with any individual's proper and lawful access to, or egress from, McKendree campus buildings.
5. Students, faculty, or staff who violate any federal or state laws, city ordinances, University regulations, or University policies during a demonstration may be subject to judicial action as outlined in their respective handbooks or manuals and/or penalties under applicable federal and state law.
6. The University will intervene in the conduct of demonstrations when Statutes or University regulations are violated; when others are deprived of their rights; when operations of the University are unreasonably disrupted; or in the event of a perceived threat to public safety, per the University's judgment. Individuals or groups that disrupt campus activities or classrooms, or interfere with the normal operations of the University, will be asked to leave campus immediately. Violence, in any form, will not be tolerated.
7. Groups or individuals sponsoring the demonstration expressly assume full responsibility for all damages or injuries to any person or property because of, or in connection to, the use of university property, pursuant to this agreement, and agree to pay for all damages caused to the grounds or facilities resulting from the activities.

For more information, or to register for a demonstration, contact the Office for Student Affairs at (618) 537-6555.

# PROHIBITION ON RECORDING POLICY

McKendree University prohibits the recording of lectures given on McKendree's campus or as part of McKendree's programs and activities. "Lectures" include, but are not limited to, class discussions (whether virtual or in-person), presentations, videos, images, instructional materials, and speeches.

## PROHIBITION ON RECORDING

1. Students are prohibited from recording lectures that are part of McKendree's programs and activities. "Recording" includes, but is not limited to, the use of an electronic device to capture a video of the lecture.
2. Students may request the ability to record a lecture by asking the instructor giving the lecture for permission to record. The instructor may permit the student to record at his or her sole discretion. These recordings may be covered by copyrights held by McKendree University, the instructor, or third parties.
3. If a student records a lecture, the student may not reproduce or upload the recording to any web or internet service.
4. If a student records a lecture, the student may not share or produce the lecture or lecture materials, including direct or indirect distribution to a third party or archiving the recording for future use by a third party.
5. Students are prohibited from unauthorized sharing or reproduction of instructional materials, including direct distribution to other parties, archiving for later use by other parties, or uploading to any web or online environment.

## SANCTIONS

Students found to have violated this policy are subject to sanctions per McKendree University procedures and identified in the Student Handbook. Students may also face legal sanctions for violation of applicable federal and Illinois laws.

## ACCOMMODATIONS

This policy does not prohibit students who receive accommodation to record lectures from doing so. If a student has accommodation through Disability Services that requires the student to record lectures, the instructor and the students will be notified that there is a student who is recording the lecture. Students will not be given the name of the student requiring the accommodation.

# STUDENT CONDUCT RECORDS POLICY

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The Family Education Rights and Privacy Act of 1974 (FERPA) is a federal law that states that institutions must establish a written policy concerning the privacy of student records and must annually make a statement outlining said adopted privacy policy procedures. The law provides that the institution will maintain the confidentiality of student records. The general requirements of this law concerning student conduct records are covered in the information that follows.

## CONDUCT RECORD

A Conduct Record is created and maintained by the Office for Student Affairs when a student is involved in an alleged policy violation of the Code of Student Conduct. Students are advised that potential employers or graduate schools may request information about a student's conduct record at the university. The Office for Student Affairs will only share information from a student's conduct record for the following reasons

- Internal: Information will be shared with individuals working for McKendree University on a need-to-know basis
- External: Information will be shared with individuals from outside the university when written consent from the student has been provided to the Office for Student Affairs.
- Legal Matters: Information will be shared by the Office for Student Affairs with legal officials when a subpoena requires the university to do so.

This record may contain any materials related to the incident(s) where the university found the student to be in violation of the Code of Student Conduct. These materials may include, but are not limited to:

- Incident Reports
- Decision Letters
- Written Statements
- Witness Statements
- Sanctions
- Appeal Documents

To ensure compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, the Office for Student Affairs will maintain internal records for, at minimum, seven (7) years after a student's graduation. Within the university community, only individuals acting in a student's educational interests are allowed access to internal records. The Office for Student Affairs will not disclose its internal records to anyone outside the university, except in cases permitted by FERPA.

If a student is suspended, withdraws with pending conduct charges, or is dismissed from the university, a permanent notation may be marked on a student's academic record and a conduct record and/or internal record will be maintained **permanently** by the Office for Student Affairs to substantiate the transcript notation. Inquiries about a student's conduct records will only be released with the student's signature of the waiver.

## ACCESS AND CHALLENGES TO RECORDS

Any student has the right to inspect the non-confidential contents of their own student conduct records. Upon written request to the Office for Student Affairs, the university will make the records available to the student within 45 days. If student conduct records contain information about more than one student, access will be permitted only to that part of the record that pertains to the inquiring student.

Any student may contest the content of their student conduct records. Students who believe their records contain inaccurate, misleading, or in violation of their rights should discuss those concerns with the Office for Student Affairs. If this discussion does not lead to a resolution of the student's concerns, the student has a right to an informal hearing, and, if necessary, a formal hearing before a special committee appointed by the Vice President for Student Affairs.

## CAMPUS SECURITY DATA

The Office for Student Affairs may publish aggregate and non-identifiable statistics compiled from student conduct records, which can be found on the University's Office of Public Safety website. This information can include, but is not limited to:

- Number of Incidents
- Number of violations
- Frequency of sanctions
- Timeliness of incident resolutions

# STUDENT OPTIONAL DISCLOSURE OF PRIVATE MENTAL HEALTH ACT (SODPMHA) COMPLIANCE POLICY

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In accordance with the State of Illinois' Student Optional Disclosure of Private Mental Health Act (SODPMHA), McKendree University shall, upon enrollment, provide students the opportunity to authorize, in writing, the disclosure of certain private mental health information to a Designee of their choosing. A Designee is defined as a parent, guardian, or another person over the age of 18 selected by the student to receive disclosure of certain private mental health information should the student experience a mental health crisis or emergency.

Per the regulations put forth in SODPMHA, the University may disclose a student's pertinent mental health information to a Designee for purposes of protecting the student and/or others against a clear, imminent risk of serious physical/mental injury, disease, or death. The determination of whether such disclosure is necessary for the welfare of the student and the University Community will be made by the Vice President for Student Affairs, or designee, upon the recommendation of McKendree University Counseling Services.

Should the Vice President for Student Affairs, or designee, make such a determination, Counseling Services will, as soon as practicable (but no more than 24 hours after the determination), attempt to contact the Designee and notify him or her of the student's mental health crisis or emergency, the risk to the student or others, and any relevant mental health information.

Students wishing to authorize a Designee should complete the SODPMHA Mental Health Disclosure form, available through the Office of Counseling Services. **Completing the form is encouraged, but not required.**

Should a student with no Disclosure on file experience a mental health emergency or crisis for which Counseling Services recommends the disclosure of mental health information, **the University shall instead contact whomever the student has on file as his or her emergency contact.** Such disclosure is allowed by the provisions outlined in the Family Educational Rights & Privacy Act (FERPA).

# TITLE IX SEXUAL HARASSMENT POLICY

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## INTRODUCTION

The McKendree University Title IX Policy protects students and employees from discrimination based on sex. This Policy sets forth McKendree University's obligations under the 2024 Title IX Regulations and incorporates the definitions and procedural requirements from the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. Accordingly, McKendree University will:

- Respond to all reports of sex-based discrimination and/or retaliation.
- Take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.
- Within any process related to this Policy, McKendree University provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, consistent with state and federal law.

Any concerns related to conduct prohibited by this Policy should be reported to McKendree University's Title IX Coordinators:

**Dr. Joni Bastian, TIX Coord.**  
[jjbastian@mckendree.edu](mailto:jjbastian@mckendree.edu)  
(618) 537-6555

**Ms. Jennifer Miller, Deputy TIX Coord.**  
[jrmiller@mckendree.edu](mailto:jrmiller@mckendree.edu)  
(618) 537-6572

### Statement of Title IX Nondiscrimination

As outlined in this Policy, McKendree University prohibits discrimination based on sex in its programs and activities. As defined by Title IX, discrimination based on sex includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by this Policy.

McKendree University does not discriminate in its admissions practices, employment practices, or its educational programs or activities based on sex. McKendree University also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to McKendree University.

Discrimination based on any other protected category will be addressed by the policies outlined in the Employee Handbook and the Student Code of Conduct located in the University Student Handbook.



### **Statement of Equal Access**

McKendree University shall provide certain support and modifications to employees and students experiencing pregnancy, pregnancy-related conditions, and recovery that includes pregnancy, childbirth, termination of pregnancy, and lactation to ensure their equal access to McKendree University's program(s) or activity(ies).

McKendree University treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact the Office of Human Resources for more information because additional workplace laws and policies may apply.

### **Application of Section 504/Americans with Disabilities Act to this Policy**

McKendree University complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 ("ADAAA"); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination based on disability. McKendree University is committed to providing individuals with disabilities equal access to McKendree University's programs and activities.

Students may request reasonable accommodations for disabilities to the Title IX Coordinator and employees may contact the Chief Human Resources Officer at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a grievance procedure. Accommodation will be granted if it is reasonable and does not fundamentally alter the procedures established by this Policy. Please note that the Title IX Coordinator or the Chief Human Resources Officer will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other McKendree University programs and activities.

With the consent of the impacted student, the Title IX Coordinator will work collaboratively with the Academic Resource Coordinator to ensure that approved reasonable accommodations (disability-related) are implemented. Employees may contact the Chief Human Resources Officer.

## **II. SCOPE AND JURISDICTION OF THIS POLICY**

All members of McKendree University's community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in

McKendree University sponsored activities, are subject to this Policy, though the procedures for resolving conduct prohibited by this Policy will vary based on one's status.

This Policy may also pertain to instances in which the conduct occurred outside of the campus or McKendree University-sponsored activity if McKendree University determines that the off-campus conduct is within the jurisdiction of its disciplinary authority or affects a substantial McKendree University interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission.

Any individual covered by this Policy is expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Unless otherwise specified in this Policy, any individual who is accused of engaging in conduct prohibited by this Policy who is not a student, faculty member, or staff member is generally considered a third party. McKendree University's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, with McKendree University. When appropriate, the Title IX Coordinator will refer such allegations against a third party to the appropriate office.

The status of a party may impact which resources and remedies are available to them under this Policy.

If there is a conflict between the provisions of this Policy and other McKendree University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated.

### **III. PROHIBITED CONDUCT**

This Policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this Policy:

#### **Discrimination Based on Sex**

Except as permitted by Title IX, prohibited discrimination based on sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, employment required activities, extracurricular, research, occupational training, or other educational program, or activity operated by McKendree University.

Except as permitted by Title IX, McKendree University, including employees, students, participants, and agents of McKendree University, shall not, engage in any of the following prohibited discriminatory actions based on sex if it would cause more than *de minimis* harm:

- Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- Provide different aid, benefits, or services or provide aid, benefits, or services differently;
- Deny any person any such aid, benefit, or service;
- Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- Apply any rule concerning the residence of a student or applicant;
- Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person that discriminates based on sex in providing any aid, benefit, or service to students or employees;
- Limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

For this definition, unless permitted by Title IX, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than *de minimis* harm based on sex and will be considered prohibited discrimination.

### **Sex-Based Harassment**

Sex-based harassment is a form of sex discrimination and **means sexual harassment and other harassment based on sex, as defined by Title IX, including harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.**

**Under this Policy, prohibited Sex-based Harassment includes the following conduct:**

#### **1. Quid Pro Quo Harassment:**

Quid pro quo harassment occurs when an employee, agent, or other person authorized by McKendree University to provide an aid, benefit, or service under McKendree University's education program or activity, explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

#### **2. Hostile Environment Harassment**

Hostile environment harassment is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is **subjectively and objectively offensive and is so severe or pervasive** that it limits or denies a person's ability to participate in or benefit from

McKendree University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the individual's ability to access McKendree University's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within McKendree University's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
  - o The location of the conduct and the context in which the conduct occurred; and
  - o Other sex-based harassment in McKendree University's education program or activity.

### **Sexual Assault & Interpersonal Violence**

Under this Policy, prohibited Sexual Assault & Interpersonal Violence includes the following conduct:

#### **1. Sexual Assault**

Sexual assault is defined as any \*sexual act\* directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes:

**Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempted rape falls under this prohibition.

**Fondling**—The **touching of the private body parts** of another for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

**Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent is 18.

\*A sexual act is defined as conduct between persons consisting of:

Contact between the penis and the vulva or between penises and vulvas; Contact between the penis and the anus; Contact between the mouth and the penis; Contact between the mouth and the vulva; Contact involving any of the above or the buttocks or breasts. Private body parts include all of the body parts previously listed.

#### **2. Dating Violence**

This includes violence committed by a person: Who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship; type of relationship; and frequency of interaction between the persons involved in the relationship.

Emotional and psychological abuse does not constitute violence for this definition.

### **3. Domestic Violence**

This includes felony or misdemeanor crimes of violence committed by a person who:

Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of McKendree University, or a person similarly situated to a spouse of the victim;

Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

Shares a child in common with the victim; or

Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of St. Clair County, Illinois.

Emotional and psychological abuse does not constitute violence for this definition.

### **4. Stalking**

This is defined as engaging in a course of conduct, based on sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

### **5. Sexual Exploitation**

Sexual exploitation means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

The prostituting of another person;

The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;

The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent;

The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.

The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, to arouse or

gratify sexual desire.

## **6. Retaliation**

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by a student, an employee, or another person authorized by McKendree University to provide aid, benefit, or service under McKendree University's education program or activity, to interfere with any right or privilege secured by this Policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student or employee who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

## **IV. DELEGATION OF DUTIES UNDER THIS POLICY**

McKendree University shall respond to all allegations of Prohibited Conduct, as defined above. Obligations created by this Policy may be delegated by McKendree University, including to external professionals.

## **V. CONFLICTS OF INTEREST OR BIAS**

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would influence the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator shall immediately notify the other Title IX Coordinator, who will be reassigned, to handle the situation.

Should any Investigator, Hearing Panel Member, or Appeals Officer have a conflict of interest, the Investigator, Hearing Panel Member, or Appeals Officer shall notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties can challenge the participation of any individual implementing this Policy based on conflict of interest or shown bias.

## **VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that McKendree University reports the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy that occur campus-related locations. The Clery Act also requires McKendree University to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, McKendree University will ensure that a Complainant's name and other identifying information are not disclosed. The Title IX Coordinator will refer information to a Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

## **VII. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

### **A. Employee Reporting Obligations**

All employees, with limited exceptions as identified by McKendree University, are required to provide, promptly, to the Title IX Coordinator(s) all complaints and/or reports of sex discrimination, including sex-based harassment involving students. If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, another employee that supervisor is required to bring the matter to the attention of the Chief Human Resources Officer.

When providing this information to the Title IX Coordinator or the Chief Human Resources Officer, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals, and the nature of the incident.

Aside from this reporting obligation, employees will maintain the privacy of an individual's information, consistent with FERPA.

### **B. Public Awareness Events**

Employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events such as employee and student training events and sexual awareness programming.

The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, McKendree University must use the information to inform its efforts to prevent sex-based harassment, by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

### **C. How to Make a Report to McKendree University**

All complaints of violations of this Policy involving students and employees will be taken seriously and in good faith. The Title IX Coordinator and Chief Human Resources Officer will provide information and guidance regarding how to file a complaint with McKendree University and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, McKendree University will consider the party bringing forward a report on how the matter is pursued. McKendree University may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that McKendree University not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

<https://www.mckendree.edu/offices/student-affairs/student-conduct/reporting.php>

There is no timeline for making a report of sex discrimination; however, McKendree University encourages the prompt reporting of a complaint as the ability of McKendree University to pursue the complaint to a conclusion may be hindered by the passage of time.

A student who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of McKendree University's student conduct policy at or near the time of the incident, unless McKendree University determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### **E. Privacy and Confidentiality**

All activities under these procedures shall be conducted in the private interests of those involved. While McKendree University will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, McKendree University cannot and does not guarantee that all information related to complaints will be kept confidential.



To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and McKendree University will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this Policy.

Individuals may speak confidentially with a Confidential Resource. McKendree University employs individuals who are not required to report detailed information about sex discrimination to the Title IX Coordinator:

1. **Privileged and Confidential Employees.** The University Chaplain, Health Services staff, and Counseling staff whose communications are privileged or confidential under Federal or State law are considered privileged and confidential employees. Disclosures made to these employees mean that information cannot be disclosed to anyone internal or external to McKendree University without express permission from the individual disclosing the information.

State law requires professional counselors to report: (i) when a client is likely to engage in conduct that would result in serious harm to the client or others; and (ii) if there is reasonable cause to suspect that a minor has been sexually abused. Reports of sexual abuse of minors must be made to the State of Illinois Online Reporting System—<https://childabuse.illinois.gov>.

## **F. Reporting to the Police**

Some Prohibited Conduct may violate the law and McKendree University policy. McKendree University encourages students and employees to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement and to decline to file with them. When there is a possible violation of the law, McKendree University will report the incident to the Lebanon Police Department.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out before, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to McKendree University as well as to law enforcement, McKendree University may delay its process if a law enforcement agency requests that McKendree University delay its process for a reasonable amount of time to allow law

enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable, and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on civil or criminal charges involving the same incident.

In the case of an emergency, where the physical well-being of a member of the McKendree University community or the safety of McKendree University as an institution is threatened, any individual with such knowledge should promptly inform the Director of Public Safety. McKendree University may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the McKendree University community and McKendree University as an institution.

## **VIII. RESPONSE TO A REPORT**

The following process will be used following the receipt of a report of Prohibited Conduct:

### **A. Initial Contact**

Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator or the Chief Human Resources Officer will contact the Complainant to meet for an initial intake and assessment meeting, and will provide the following:

1. An invitation to meet to explain their rights, resources, and options under this Policy;
2. Access to this Policy;
3. Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid, and other available services may be provided;
4. The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated;
5. The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
6. The right to notify law enforcement as well as the right not to notify law enforcement;
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Public Safety or local law enforcement in preserving evidence;
8. The right to an advisor of choice, if applicable, during McKendree University proceedings under this Policy including the initial meeting with the Title IX Coordinator;

9. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
10. Information on how to initiate the Investigation or Resolution-Based Agreement process.

### **B. Initial Intake & Assessment**

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The Title IX Coordinator or Chief Human Resources Officer may also determine that the provision of supportive measures only is the appropriate response under the Policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual Complainant, the Title IX Coordinator or Chief Human Resources Officer will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator or Chief Human Resources Officer will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Title IX Coordinator will communicate to the Complainant this determination. If the Complainant **does not wish to initiate** a resolution process, the **Title IX Coordinator or Chief Human Resources Officer will assess whether to proceed as set forth below.**

If the information provided does not suggest a potential violation of this Policy, the Title IX Coordinator or Chief Human Resources Officer will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

### **C. Requests for Confidentiality or No Further Action**

When a Complainant requests that McKendree University not use their name as part of any resolution process, or that McKendree University not take any further action, McKendree University will generally try to honor those requests. However, there are certain instances in which McKendree University has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances when students are involved, the Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a Complaint were not initiated;

4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of McKendree University;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Hearing Panel in determining whether sex discrimination occurred;
8. Whether McKendree University could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents McKendree University from ensuring equal access based on sex to its education program or activity.

#### **D. Emergency Removal**

For sex discrimination and sex-based harassment, McKendree University retains the authority to remove a Respondent from McKendree University's education program or activity on an emergency basis, where McKendree University:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. McKendree University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, McKendree University may defer to its interim suspension policies for students and administrative leave for employees.

#### **E. Administrative Leave**

McKendree University retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate. Administrative leave implemented as a supportive measure or as emergency removal is

subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

#### **F. Student Withdrawal or Employee Resignation While Matters Are Pending**

If a **student or employee**, respondent permanently withdraws or resigns from McKendree University with unresolved allegations pending, McKendree University will consider whether and how to proceed with the resolution process. McKendree University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A **student** Respondent who withdraws or leaves while the process is pending may not return to McKendree University without first resolving any pending matters. Such exclusion applies to all McKendree University campuses and programs.

An **employee** Respondent who resigns with unresolved allegations pending is not eligible for rehire with McKendree University and the records retained by the Chief Human Resource Officer will reflect that status. Additionally, the Chief Human Resource Officer will respond to future inquiries regarding employment references and resignation inquiries for said individual.

#### **G. Dismissal of a Complaint**

Before dismissing a complaint, McKendree University will make reasonable efforts to clarify the allegations with the Complainant. McKendree University may dismiss a complaint if:

1. McKendree University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in McKendree University's education programs or activities and/or is not employed by McKendree University;
3. The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and McKendree University determines the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
5. McKendree University determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, McKendree University will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then McKendree University will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

McKendree University will tell the Complainant that a dismissal may be appealed based on the information outlined under the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then McKendree University will also notify the Respondent that the dismissal may be appealed on the same basis.

When a complaint is dismissed, McKendree University will, at a minimum:

1. Offer supportive measures to the Complainant as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the McKendree University education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

#### **IX. REFERRALS FOR OTHER MISCONDUCT**

McKendree University can refer misconduct complaints not covered by this Policy for handling under any other applicable McKendree University policy or code. As part of any such referral for further handling, McKendree University may use evidence already gathered through any process covered by this Policy.

#### **X. CONSOLIDATION OF COMPLAINTS**

McKendree University may consolidate Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, McKendree University may bifurcate the proceedings per the requirements of the individual policies.

McKendree University also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with

other appropriate offices, such as Student Services and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements outlined in this Policy.

## **XI. OPTIONS FOR RESOLUTION**

There are multiple ways to resolve a complaint or report of sex discrimination. During the resolution of a complaint, the Title IX Coordinator or Chief Human Resources Officer will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in McKendree University's educational programs, services, and activities during the resolution of the complaint.

### **A. Support-Based Resolution**

A support-based resolution allows a **Complainant** who does not wish McKendree University to take any further steps to address their concern when the Title IX Coordinator determines that another form of resolution, or further action, is not required. For cases involving students, some types of support that may be appropriate include but are not limited to adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

Employees may also receive support-based resolutions that may include but are not limited to workplace/schedule accommodations, EAP Services, and No Contact Orders.

A support-based resolution does not preclude later use of another form of resolution, for example, if new information becomes available to McKendree University and the Title IX Coordinator or Chief Human Resources Officer determines there is a need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation.

### **B. Agreement-Based Resolution**

An agreement-based resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. An agreement-based resolution is a voluntary, structured interaction between or among affected parties, which balances support and accountability. If McKendree University offers an agreement-based resolution to the parties, and they voluntarily consent to

engage in that process, the Title IX Coordinator or Chief Human Resources Officer must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity.

Any party may design the proposed agreement between the parties. The Title IX Coordinator or the Chief Human Resources Officer must approve of the use of the agreement-based resolution process and approve the final agreement between the parties. An agreement-based resolution may be initiated any time before the final determination's release. Because the agreement-based resolution does not involve an investigation, there is **no determination** made as to whether a Respondent violated this Policy.

The Title IX Coordinator or Chief Human Resources Officer has the discretion to determine that agreement-based resolution is not an appropriate way to address the reported conduct and that the matter must instead be resolved through an alternate process.

### **Initiating the Agreement-Based Resolution Process**

Prior to the initiation of an agreement-based resolution, the Title IX Coordinator or Chief Human Resources Officer will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the agreement-based resolution process;
3. Any consequences resulting from participating in the agreement-based resolution process, including the records that will be maintained or could be shared, and whether McKendree University could disclose such information for use in a future McKendree University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the agreement-based resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the agreement-based resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy unless the Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;



9. A statement that any party has the right to withdraw from the agreement-based resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with a **minimum of 3 business days' notice**;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an agreement-based resolution agreement.

### **Facilitating an Agreement**

If all Parties are willing to explore the agreement-based resolution, the Title IX Coordinator or Chief Human Resources Officer will then meet separately with each party to discuss the agreement-based resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the agreement-based resolution process, or the Title IX Coordinator or Chief Human Resources Officer does not believe that the terms of the agreement or continuing the agreement-based resolution process is appropriate, the Title IX Coordinator or Chief Human Resources Officer may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator or Chief Human Resources Officer will inform the parties of such a decision, in writing.

Agreement-based resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator or Chief Human Resources Officer may serve as the facilitator, subject to these restrictions. The Investigator or Decision Maker for the matter may not facilitate an agreement-based resolution in that same matter.

Any party may create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements in cases involving students may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments (students);
2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent (students);
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or discipline agreed upon by all parties.

To facilitate agreement-based resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the

allegations obtained within the agreement-based resolution process may be disseminated to any outside person, provided that any party to the agreement-based resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an agreement-based resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

### **Finalizing the Resolution Agreement**

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator or Chief Human Resources Officer, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The agreement-based resolution process is generally expected to be completed within **thirty (30) business days and may be extended** by the Title IX Coordinator or Chief Human Resources Officer as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an agreement-based resolution process can be shared with other offices as appropriate. Any violations of the terms of the resolution agreement may result in disciplinary action.

## **XII. INVESTIGATION & DECISION - MAKING RESOLUTION**

### **Assignment of the Investigator, Decision Maker, and/or Hearing Panel**

In cases involving students, McKendree University will assign a trained Investigator, Decision Maker, or Hearing Panel to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. McKendree University reserves the right to utilize internal or external Investigators, Decision Maker or Hearing Panel.

All parties have the option to participate in the investigation, and each has the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision Maker/Hearing Panel via a Title IX Coordinator.

The Investigator will establish deadlines for the submission of names of relevant witnesses and the submission of evidence and communicate those deadlines to the parties in writing.

### **Conflict of Interest or Bias**

After a Notice of Investigation, as described below, is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have **three (3) business days from the date of the Notice of Investigation** to object to the selection of the Investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the other Title IX Coordinator at the University. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

### **Timeline**

McKendree University strives to complete the investigation process within **ninety (90) business days from the date of the Notice of Investigation**.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring the availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

McKendree University shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

### **Burden of Evidence**

McKendree University has the burden of investigating that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all the process or to decline to participate. This does not shift the burden of proof away from McKendree University and does not indicate responsibility.

### **Evidentiary Standard**

The standard of proof used in any investigation and decision-making process is the **clear and convincing standard**, which means that the evidence is highly and substantially more likely to be true than untrue that sexual harassment/discrimination occurred.

### **Written Notice of Meetings**

McKendree University will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

## **Evidence Gathering**

### **A. Interviews**

In cases involving students, the Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint, and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

### **B. Impermissible Evidence**

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by McKendree University to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by McKendree University as exempt from internal reporting under this Policy unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless McKendree University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties

does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

### **XIII. INVESTIGATION & DECISION-MAKING PROCEDURES FOR PROHIBITED CONDUCT EXCEPT SEX-BASED HARASSMENT INVOLVING A UNIVERSITY STUDENT AS A COMPLAINANT OR RESPONDENT. (106.45)**

#### **Notice of Allegations and Investigation**

Once a complaint has been received, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. McKendree University's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
2. The specific allegations, including the identity of the parties, and dates and location if known;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that Retaliation is prohibited;
5. Contact information for the assigned Investigator and Decision Maker, as well as the process for raising a challenge to the appointed Investigator, Decision Maker, or Title IX Coordinator, and the deadline for doing so;
6. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
7. A statement whether the Investigator or another individual, shall serve as the Decision Maker;
8. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made after the investigation and decision-making procedures. Before such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker;
9. A statement indicating that the parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
10. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to respond;

11. A statement that McKendree University prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies); and
12. The date and time of the initial interview with the Investigator, with a minimum of **five (5) business days' notice**.

### **Individual Interviews**

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each interview. A party's advisor may attend these meetings, subject to the rules described above in this Policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator or the Chief Human Resources Officer in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further McKendree University discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at McKendree University's discretion, with all participants joining virtually through a video conferencing option.

McKendree University may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties. McKendree University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. McKendree University can remove, with or without warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable McKendree University rules.

### **Evidence Review**

After all fact gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to respond, meaningfully, to the evidence before the conclusion of the investigation, to submit any additional relevant evidence and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Given the sensitive nature of the information provided, McKendree University will securely facilitate this review. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or otherwise duplicate or remove the information provided. Any individual who fails to abide by this may be subject to

discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have at least five business days to inspect and review the evidence and submit a written response to the Investigator. McKendree University will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator or the Chief Human Resources Officer shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. After the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact gathering as may be necessary. If new, relevant evidence is gathered during this **second fact-gathering period**, the new evidence will be made available for review by the parties and their advisors. The parties **shall have five (5) business days to respond to the newly gathered evidence**. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

#### **Determination and Investigation Report**

The Investigator will prepare a written report summarizing all the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.

The Investigator, who may also serve as the Decision Maker, shall evaluate the relevant and not impermissible evidence and make factual determinations regarding each allegation. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator and/or Decision Maker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions. The Investigator and/or Decision Maker shall prepare a report that shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
5. Findings of fact for each allegation, with rationale; and

6. Conclusions regarding which section of this Policy or other McKendree University policy, if any, the Respondent has or has not violated,

The Title IX Coordinator or Chief Human Resources Officer shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

1. A statement of, and rationale for, any disciplinary sanctions McKendree University imposed on the Respondent;
2. For the Complainant, a description of any resolutions that apply to the Complainant;
3. McKendree University's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer; and
4. How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that McKendree University provides the parties with the written determination of the result of any appeal or, if no party appeals, the date on which an appeal would no longer be considered timely.

#### **XIV. INVESTIGATION & DECISION-MAKING PROCEDURES IN CASES OF SEX-BASED HARASSMENT INVOLVING A STUDENT AS A COMPLAINANT OR RESPONDENT. (106.46)**

**This procedure is for all allegations of sex-based harassment involving a student as a party, regardless of the status of the other party.**

##### **Notice of Investigation**

Before the start of an investigation, a written Notice of Investigation communicating the initiation of an investigation will be provided to the Parties. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties. The Notice shall include, at a minimum:

1. McKendree University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of



the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);

4. A statement that retaliation is prohibited;
5. A statement that the Hearing Panel will serve as the Decision Maker;
6. A statement informing the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
7. A statement explaining the process for raising a challenge to the appointed Title IX Coordinator, and the deadline for doing so;
8. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Panel/Decision Maker.
9. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
10. A statement that the parties are entitled to an equal opportunity to access an investigation report that accurately summarizes the relevant and not impermissible evidence.
11. McKendree University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures;
12. A statement that the names of the Hearing Panel members will be provided after the completion of the investigation and;
13. The date and time of the initial interview with the Investigator, with a minimum of **five (5) business days' notice**.

#### **Individual Interviews**

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each interview. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the Investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Investigator must allow a party to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

McKendree University will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. McKendree University has the discretion to remove, with or without warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable McKendree University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at McKendree University's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded.

The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and have the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

#### **Investigator Determination of Relevance**

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and have the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered.

#### **Evidence Review**

After all fact gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. If an audio or audiovisual

recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence before the conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. The Hearing Panel will not consider evidence not provided during the investigation process. Given the sensitive nature of the information provided, McKendree University will securely facilitate this review. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have at least five business days to inspect and review the evidence and submit a written response to the Investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the investigator shall then conduct any additional fact gathering that may be necessary. If new, relevant evidence was submitted as part of the evidence review or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have **five (5) business days to respond** to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

### **Investigation Report**

The Investigator shall evaluate the relevant and not impermissible evidence making factual determinations regarding each allegation. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator shall prepare a report which shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;

3. A description of the procedural steps taken from the receipt of the complaint, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
5. Summary of facts gathered for each allegation.

This report will be provided to the Title IX Coordinator and/or the Chief Human Resources Officer, when appropriate.

### **Hearing Procedures**

In cases involving students, the purpose of a hearing is for a Hearing Panel to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. McKendree University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings will be conducted in person. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

McKendree University will appoint a Hearing Panel, comprised of faculty and staff, who will determine whether a violation of McKendree University policy has occurred. The Hearing Panel shall have the authority to determine the relevance of the evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Panel shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by McKendree University and considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of McKendree University but shall be available for listening until the conclusion of the appeals process to the Complainant, Respondent, their respective advisors, Hearing Panel, and Appeal Officer by contacting the Title IX Coordinator.

### **Prior to the Hearing**

The parties and the Hearing Panel all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness to the Title IX Coordinator at least **five (5) business days** in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing unless the witness was otherwise unknown or not known to have relevant information during the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The TIX Coordinator will determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. A list of witnesses **approved** by the Title IX Coordinator will be provided to the parties at least **three (3) business days before the hearing**.

**Three (3) business days before the hearing**, each party shall submit to the Title IX Coordinator a preliminary list of questions they wish to pose to the other party or a witness. If the Title IX Coordinator determines that any questions are not relevant or seek otherwise impermissible evidence, the Title IX Coordinator shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Panel must allow a party to clarify or revise any question that the Title IX Coordinator has determined is unclear or harassing and if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

#### **Advisor**

Each Party is entitled to be accompanied by one Advisor at the hearing. The Advisor's role is to help the party understand and navigate the proceedings. The Advisor may not advocate for, respond to, or otherwise speak on behalf of, a party during the hearing. If a party does not appear for the Hearing, the Advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

#### **Hearing Participation Guidelines**

The Hearing Panel shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. If the Hearing Panel removes an Advisor, it will have discretion to appoint another Advisor for the rest of the hearing. The Hearing Panel also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

#### **Statements, Questioning, and Presentation of Evidence**

During the hearing, each party will be permitted to provide an **introductory statement**. Following introductory statements, the Hearing Panel will call parties and witnesses for

questioning. The order of questioning shall be determined by the Hearing Panel. The Hearing Panel will pose questions to the parties and witnesses including the questions they approved to be asked that were submitted by each party before the hearing. If the Hearing Panel determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Panel shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Hearing Panel is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

After questioning parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

#### **Hearing Panel Report and Notice of Outcome**

Following the hearing, the Hearing Panel shall prepare a determination report. All findings shall be made by a clear and convincing standard of evidence. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness. The determination report will include:

1. A description of the sex-based harassment and other allegations if applicable;
2. A reference to the policies and procedures used to evaluate the allegations;
3. Description of all procedural steps taken to date;
4. The Hearing Panel's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
5. Determinations for each allegation of any policy violation(s), with the rationale.

The written notice of the outcome will be forwarded no later than 15 business days after the hearing is completed. The Hearing Panel's report shall be provided to the Title IX Coordinator. If the Hearing Panel determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive, a written Notice of Outcome along with a copy of the Hearing Panel's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator will provide each party, and their advisor a written Notice of the Outcome including the Hearing Panel's report, the sanction determination, and the procedures for appeal.

#### **XV. SANCTIONS**

Sanctions must be designed to restore or preserve equal access to McKendree University's education program or activity.

An employee found responsible for a violation of this Policy will be subject to disciplinary warning up to and including termination of employment.

A student found responsible for a violation of this Policy may be subject to sanctions and resolutions including expulsion; no-contact order; written warning; suspension, restitution to cover property damage; community service; probation; reference to counseling; termination of work-study employment; removal from co-curricular organizations or teams; and notation in the Respondent's official student disciplinary record of the fact of a violation and the sanction. The Title IX Coordinator is responsible for the effective implementation of any sanction.

#### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by McKendree University. Responding parties involving students needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation.

## **XVI. APPEALS**

### **Types of Appeals (In cases involving students)**

The following appeals are available: appeals of supportive measure decisions, appeals of emergency removals, appeals of dismissals in both \*45 and \*46 processes on specified grounds; appeals of final decisions in \*45 and \*46 processes on specified grounds.

### **Grounds for Appeal**

In cases involving students, the complainant or respondent may appeal the determination or any dismissal of the complaint on the following grounds only:

- **Question of Procedure:** there was a procedural irregularity that affected the outcome;
- **New Evidence:** there is new evidence not reasonably available that could affect the outcome;

- **Conflict of Interest or Bias:** there was a conflict of interest or bias by the institutional participants that affected the outcome.

Appeals must be filed with the Title IX Coordinator within **five (5) business days** of receiving the outcome notification letter. The Title IX Coordinator will forward the request to an Appeals Officer.

The appeal must be in writing and contain all the following information:

- Name of the complainant;
- Name of the respondent;
- A statement of the determination of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

The Appeal Officer will decide the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

## **XVII. PROHIBITION AGAINST RETALIATION**

No one may intimidate, threaten, coerce, or discriminate against any individual to interfere with any right established by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, to interfere with any right under this Policy constitutes retaliation.

**The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.**

Charging a student with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **XVIII. RECORD RETENTION**



In implementing this Policy, records of all reports and resolutions will be kept by the Title IX Coordinator under the applicable McKendree University records retention schedule. All records will be afforded the confidentiality protections required by law, including the Family Educational Rights and Privacy Act governing the confidentiality of student information. This means that McKendree University will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know to process complaints under this Policy.

## **XIX. ADDITIONAL ENFORCEMENT INFORMATION**

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

Questions about Title IX may be referred to the Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604 Telephone: 312-730-1560  
FAX: 312-730-1576; TDD: 800-877-8339  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

A complaint about the Title IX Coordinator may be made to:

U.S. Equal Employment Opportunity Commission (EEOC)  
<https://www.eeoc.gov/contact-eeoc>

## **XX. POLICY REVIEW & REVISION**

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation, or best practices require policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its

implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to McKendree University's website.

## **XXI. KEY DEFINITIONS**

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. McKendree University will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.

**Affirmative Consent:** means affirmative, conscious, and voluntary agreement to engage in sexual activity. Each person involved in sexual activity is responsible for ensuring they have the affirmative consent of the other or others to engage in it. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;
4. It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

Affirmative Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

**Coercion/Force: Consent cannot be procured by physical force, compulsion, threats, intimidating behavior, or coercion.** Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. Coercion can involve pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.

2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complaint:** A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for McKendree University to investigate and decide about alleged sex discrimination under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail or incident reporting.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in a McKendree University program or activity (or attempting to participate) at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by McKendree University who receives information about conduct prohibited under this Policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Decision Maker:** Trained professional designated by McKendree University to decide responsibility, sanction, or appeals. A Decision Maker may be one person, or a panel of multiple people as determined by McKendree University. When there is no hearing, the Investigator may be appointed as the Decision Maker.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** McKendree University's "education program or activity" includes all campus operations, including off-campus settings that are operated or overseen by McKendree University: including, for example, field trips, online classes, and athletic programs; conduct subject to McKendree University's disciplinary authority that occurs off-campus; conduct that takes place via McKendree University-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, McKendree University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

**Finding:** a written conclusion by a clear and convincing standard of evidence that the conduct did or did not occur as alleged.

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

**No-Contact Order: A No Contact Order is a document issued by McKendree University designed to limit or prohibit contact or communications between the parties.** A No-Contact Order is mutual.

**Notice:** All notices under this Policy are written and sent to the student or employee’s assigned McKendree University email address.

**Resolutions:** Resolutions mean measures provided, as appropriate, to a Complainant or any other person McKendree University identifies as having had their equal access to McKendree University’s education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person’s access to the education program or activity after McKendree University determines that sex discrimination occurred. Only the Complainant will be informed of any resolutions pertaining to them. Some examples are academic support and/or the opportunity to retake a class, resubmit work, or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of resolutions involving students and the Chief Human Resources Officer is responsible for the implementation of resolutions involving employees.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

**Sanctions:** One or more of the sanctions or disciplinary steps listed here may be imposed on a Respondent who is found responsible for a violation of McKendree University’s policies.

The form of sanction or discipline used depends on the offense and any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with all applicable

McKendree University rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
3. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
4. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
5. The need to remedy the effects of sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Employees found responsible for violating this Policy may be referred to the University official(s) for any other applicable processes.

**Student:** Any person who has (or will have) attained student status by:

1. Admission, housing, or other services that require student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate, or other program offered by McKendree University.

**Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to McKendree University's education program or activity, including measures that are designed to protect the safety of the parties or McKendree University's educational environment; or
2. Provide support during McKendree University's grievance procedures or during an alternative resolution process.

Supportive measures for students may include but are not limited to counseling; extensions of deadlines, and other course-related adjustments; Public Safety escort; increased security and monitoring of certain areas of the campus, if possible; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive.

Supportive Measures will also be offered to Respondents when they are notified of the allegations. The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing University policies.

Supportive measures for employees may include EAP services, change of work schedule, Public Safety escort, and No Contact Orders.

<p>HEALTH SERVICES</p> <p>Beth Allan, RN, MSN, CSN, NP-C          Director of Health &amp; Counseling Services          (618) 537-6503  <a href="mailto:baallan@mckendree.edu">baallan@mckendree.edu</a>          513 Stanton Street          Lebanon, IL 62254          Mon – Thurs, 8am - 4:30pm          Friday 8am- 2pm  <a href="http://www.mckendree.edu/offices/health-services">http://www.mckendree.edu/offices/health-services</a></p>	<p>COUNSELING SERVICES</p> <p>Melissa McHenry, MA, MS, LCPC          Assistant Director of Health &amp; Counseling Services          (618) 537-6416  <a href="mailto:mshenry@mckendree.edu">mshenry@mckendree.edu</a>          Charles Gregory, MA, LCPC, LPC          University Counselor          (618) 537-6975          Hours: Mon – Fri, 8am – 4:30pm  <a href="http://www.mckendree.edu/offices/counseling-services">http://www.mckendree.edu/offices/counseling-services</a></p>
<p>CENTER FOR FAITH AND SPIRITUALITY</p> <p>Rev. Dr. Beverly Wilkes-Null, Chaplain          (618) 537-6962          Bothwell Chapel, 1st Floor          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="https://www.mckendree.edu/student-life/involvement/campus-ministries">https://www.mckendree.edu/student-life/involvement/campus-ministries</a></p>	<p>TITLE IX COORDINATOR AND DEPUTY COORDINATOR</p> <p>Joni Bastian, PhD          Vice President for Student Affairs, Title IX Coordinator          Clark Hall 108          (618) 537-6555  <a href="mailto:jjbastian@mckendree.edu">jjbastian@mckendree.edu</a></p> <p>Jennifer Miller, EdS          Assistant Vice President for Student Affairs, Deputy Title IX Coordinator          Clark Hall 106          (618) 537-6572  <a href="mailto:jrmiller@mckendree.edu">jrmiller@mckendree.edu</a>          Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>
<p>METRO EAST EVERY SURVIVOR COUNTS:</p> <p>618-397-0975; <a href="http://www.metroeast.org">METRO EAST EVERY SURVIVOR COUNTS WEBSITE</a></p>	<p>RAINN          (Rape, Abuse and Incest National Network)          24/7 Hotline: (800) 656-HOPE  <a href="http://www.rainn.org">http://www.rainn.org</a></p>
<p>VIOLENCE PREVENTION CENTER, SOUTHWESTERN ILLINOIS</p> <p>24/7 Hotline: (618) 235-0892 or (800) 924-0096  <a href="https://www.vpcswi.org/">https://www.vpcswi.org/</a></p>	<p>SAFE CONNECTIONS</p> <p>24/7 Hotline: (314) 531-2003  <a href="http://www.safeconnections.org/">http://www.safeconnections.org/</a></p>

P.O. Box 831 Belleville, IL 62222 (618) 236-2531 ext. 140	2165 Hampton Avenue St. Louis, MO 63139 Office Phone: (314) 646-7500
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## ON AND OFF CAMPUS SUPPORT AND SERVICES (CON'T)

ALIVE (Alternatives to Living in Violent Environments) 24/7 Hotline: (314) 993-2777 <a href="http://www.alivestl.org">http://www.alivestl.org</a>	MEMORIAL HOSPITAL EAST (618) 607-1000 1404 Cross Street Shiloh, IL 62269
ST. ELIZABETH'S HOSPITAL (618) 234-2120 1512 N. Green Mount Road O'Fallon, IL 62269	ST. JOSEPH'S HOSPITAL, HIGHLAND (618) 651-2600 12866 Troxler Avenue Highland, IL 62249
THE SAINT LOUIS ANTI-VIOLENCE PROJECT <a href="http://www.stlavp.org">http://www.stlavp.org</a> Contact: <a href="http://www.stlavp.org/contact-us.html">http://www.stlavp.org/contact-us.html</a>	MCKENDREE UNIVERSITY PUBLIC SAFETY Emergency Assistance Line (618) 537-6911 Emergency Cell Phone (618) 792-3500 535 N. Monroe Street Lebanon, IL 62254  Hours: 24 /7 <a href="http://www.mckendree.edu/offices/public-safety">http://www.mckendree.edu/offices/public-safety</a>
National Domestic Violence Help Line: (877) 863-6338	LEBANON POLICE DEPARTMENT (618) 537-4955 403 W. St Louis Street Lebanon, IL 62254 Hours: 24/7

## PRIVILEGED AND CONFIDENTIAL REPORTING

<p>HEALTH SERVICES          Beth Allan, RN, MSN, CSN, NP-C          Director of Health &amp; Counseling Services          (618) 537-6503  <a href="mailto:baallan@mckendree.edu">baallan@mckendree.edu</a>          513 Stanton Street          Lebanon, IL 62254</p> <p>Mon – Thurs, 8am - 4:30pm          Friday 8am- 2pm  <a href="http://www.mckendree.edu/offices/health-services">http://www.mckendree.edu/offices/health-services</a></p>	<p>COUNSELING SERVICES          Melissa McHenry, MA, MS, LCPC          Assistant Director of Health &amp; Counseling Services          (618) 537-6990  <a href="mailto:msmchenry@mckendree.edu">msmchenry@mckendree.edu</a>          509 Stanton Street          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 4:30pm  <a href="http://www.mckendree.edu/offices/counseling-services">http://www.mckendree.edu/offices/counseling-services</a></p>
<p>CENTER FOR FAITH AND SPIRITUALITY          Rev. Dr. Beverly Wilkes-Null, Chaplain          (618) 537-6962          Bothwell Chapel, 1st Floor          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="https://www.mckendree.edu/student-life/involvement/campus-ministries">https://www.mckendree.edu/student-life/involvement/campus-ministries</a></p>	<p>COUNSELING SERVICES          Charles Gregory, MA, LCPC, LPC          University Counselor          (618) 537-6975</p>



## NON-CONFIDENTIAL REPORTING

<p>TITLE IX COORDINATOR          Joni Bastian, PhD          Vice President for Student Affairs, Title IX Coordinator          (618) 537-6555  <a href="mailto:jjbastian@mckendree.edu">jjbastian@mckendree.edu</a>          Clark Hall 108          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>	<p>DEPUTY TITLE IX COORDINATOR          Jennifer Miller, EdS          Assistant Vice President for Student Affairs          (618) 537-6572  <a href="mailto:jrmiller@mckendree.edu">jrmiller@mckendree.edu</a>          Clark Hall 106          701 College Road          Lebanon, IL 62254</p> <p>Hours: Mon – Fri, 8am – 5pm  <a href="http://www.mckendree.edu/offices/student-affairs">http://www.mckendree.edu/offices/student-affairs</a></p>
<p>MCKENDREE UNIVERSITY PUBLIC SAFETY          Emergency Assistance Line          (618) 537-6911          Emergency Cell Phone          (618) 792-3500          535 N. Monroe Street          Lebanon, IL 62254</p> <p>Hours: 24 /7  <a href="http://www.mckendree.edu/offices/public-safety">http://www.mckendree.edu/offices/public-safety</a></p>	<p>LEBANON POLICE DEPARTMENT          (618) 537-4955          403 W. St Louis Street          Lebanon, IL 62254          Hours: 24/7</p>
<p>RESIDENCE LIFE OFFICE          (618) 537-6855</p> <p>On Call Resident Director          (618) 920-9447</p> <p>Clark Hall 109          701 College Road          Lebanon, IL 62254</p>	

# TOBACCO-FREE POLICY

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All McKendree University-owned, leased, or occupied facilities or property are tobacco-free. This policy applies to all, including students, faculty, staff, contractors, and visitors.

McKendree University is committed to providing a healthy, comfortable, productive work and learning environment. The American College Health Association supports the findings of the Surgeon General that tobacco use in any form, including smoking and breathing secondhand smoke, is a significant health hazard and that there is no risk-free level of exposure to smoke. McKendree University prohibits all smoking and other uses of tobacco products within all University buildings and on university property.

For the purposes of this policy, tobacco is defined to include, but is not limited to, any lit cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; including e-cigarettes and smokeless or spit tobacco, also known as dip, chew, snuff, or snus in any form, and all nicotine delivery devices that are not FDA-approved as cessation products.

Smoke or Smoking is defined as “the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or other lighted smoking equipment.” Smoke or Smoking also includes products containing or delivering nicotine intended or expected for human consumption.

If individuals within the University community smoke or use tobacco products off university properties, they are expected to be respectful of residents and businesses neighboring the University campus and properties. They should not loiter in front of homes and businesses near the University campus or properties and must discard tobacco products in appropriate receptacles.

The University provides cessation resources to all students through the University’s Health Services. The success of this policy depends upon the cooperation of smokers and nonsmokers. All students, faculty, and staff share the responsibility for adhering to and enforcing this policy. Violations of this policy may result in disciplinary action.