

BOARD POLICIES

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POLICY TYPE: ENDS
POLICY TITLE: MISSION, VISION & VALUES

The Mission:

Spoon River College provides innovative learning opportunities that enhance the quality of life in the communities we serve.

The Vision:

Spoon River College will strengthen its communities by providing a broad range of educational programs, cultural activities, and economic development opportunities in an environment dedicated to success.

The Values:

Caring – interest and concern

Respect – regard and esteem

Integrity – personal honesty

Fairness – equity and justice

Responsibility – dependability and accountability

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: BOARD POLICY

Policies may be adopted, revised, added to, or amended at a regular meeting of the Board by a majority vote of the members. The operation of any section or sections of these policies, not established by law, may be suspended by a majority vote of the Board at a regular or special meeting. Minutes of the Board will reflect revisions, additions, amendments, or deletions to these policies.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: BOARD JOB DESCRIPTION

State law establishes board duties and responsibilities that are found in the *Illinois Public Community College Act*. Board governance requires particular attention to the duties listed in Sections 805/3-21 to 3-29.2 and the powers listed in Sections 805/3-30 to 3-43.

Essential duties of a board member include, but are not limited to, the following:

1. Defining the role and mission of the college.
2. Monitoring and evaluating institutional performance.
3. Approving college strategic plans.
4. Establishing tuition rates.
5. Establishing tax rates.
6. Hiring the president.
7. Evaluating the president.
8. Approving institutional budgets, contracts, and expenditures.
9. Setting the tone for institutional leadership.
10. Representing the district to the college and the college to the district.
11. Assisting with resource development by participating and/or supporting activities of the Foundation.
12. Appoint a treasurer.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: GOVERNING STYLE

The Board will govern in a manner that balances outward vision with internal concerns, encouraging diversity of viewpoints, and balancing strategic, tactical and administrative leadership styles. Effective performance requires a combination of collective and individual decisions that are both reactive and proactive, mindful of the past, but oriented toward the future.

In support of effective community college governance, the Board believes:

1. it derives its authority from state statutes and from the residents of the communities within the district and that it must always act as an advocate on behalf of the entire district.
2. it is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO.
3. it always strives to differentiate between external and internal processes in the exercise of its authority.
4. its trustee members should engage in a regular and ongoing process of in-service training and continuous improvement and self-evaluation.
5. its trustee members should come to each meeting prepared and ready to debate issues fully and openly.
6. its trustee members direct, control, and inspire the organization through the careful establishment of organizational policies reflecting the College's values and perspectives.
7. its major focus will be on the intended long term impacts outside the operating organization (*outcomes*), not on the administrative or programmatic means.
8. its behavior, and that of its members, should exemplify ethical behavior and conduct that is above reproach.
9. it endeavors to remain always accountable to the community [district].
10. it honestly debates the issues affecting its community and speaks with one voice once a decision or policy is made.
11. it should conduct an annual review of board practices and policies beginning in July of each year.

POLICY TYPE: GOVERNANCE
POLICY TITLE: BOARD STRUCTURE

1. Members Elected in District Elections

The Board of Trustees consists of eight (8) members. Seven (7) of these members are elected by citizens of the Spoon River College district in non-partisan general elections held on the first Tuesday in April of odd-numbered years or in special elections called for this purpose (or appointed as provided by state law in the event of vacancies created by death, resignation, or other reasons). It is anticipated that the composition of these seven members of the Board of Trustees is representative of the Spoon River College District and includes members of the professions, business, industry and other lay organizations. Terms of office are six (6) years in length. During a six year period, all seven trustees are subject to election.

Members of the board shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in connection with their service as members. Compensation, for the purpose of this Section (110 ILCS805/3-7e), means any salary or other benefits not expressly authorized by this Act to be provided or paid to, for or on behalf of members of the board. The board of each community college district may adopt a policy providing for the issuance of bank credit cards, for use by any board member who requests the same in writing and agrees to use the card only for the reasonable expenses which he or she incurs in connection with his or her service as a board member. Expenses charged to such credit cards shall be accounted for separately and shall be submitted to the chief financial officer of the district for review prior to being reported to the board at its next regular meeting.

2. Members Elected by Student Body

In addition to the seven members elected by citizens of the college district, one (1) student member is elected annually in the spring by a student election supervised by the Student Government Association. The student trustee has all rights and privileges of other trustees except in the matter of voting. The student trustee may make motions and seconds to motions but shall not be entitled to an official vote. Rather, the student trustee may cast an advisory vote on all matters on which the Board votes. The advisory vote shall be recorded in the ayes and nays when the official outcome of a motion is determined. The term of office of a student trustee is one (1) year beginning on April 15 of each year, except that the student member initially selected to serve a term beginning on the date of selection and expiring on the next succeeding June 30. (ILCS 805/3-7.24)

In the event the student trustee cannot fulfill the one-year term, he/she shall submit a letter of resignation to the Board Chair or College President. The Board of Trustees shall consider the resignation at the next regularly scheduled monthly Board Meeting and take formal action.

By the direction of the Board Chair, the Student Government Association will hold a special meeting in order to consider the vacancy and identify a student to fulfill the remainder of the aforementioned one-year term. The Board of Trustees will consider the named student and seat the student trustee at the next regularly scheduled

monthly Board Meeting.

3. Officers When Elected

Officers of the Board will be elected by vote of the Board at the re-organizational meeting of the Board held biennially between the first Tuesday in April of odd numbered years (Election day) and the last business day of April. In case of a vacancy in any office, such vacancy shall be filled as soon as practical by electing a successor to the unexpired term of the office.

4. Elections of Officers

The election of all officers shall be by roll call vote.

5. Term of Office

Each officer of the Board shall be elected for the term of two years, shall assume office immediately upon election and shall hold office until his successor shall be elected. The Chairman may hold office for no more than two (2) consecutive two-year terms. All other officers may succeed themselves without limit.

6. Chairman

The Chairman shall preside at all meetings and shall perform such duties as are imposed upon him by law or by action of the Board.

The responsibility of the Chairperson is, primarily, the integrity of the Board's process and, secondarily, occasional representation of the Board to outside parties. The Chairperson is the only Board member authorized to speak for the Board (beyond simply reporting board events) other than in rare and specifically authorized instances.

a. The responsibility of the Chairperson is that the Board operates in a manner that is consistent with its own governance process and board-staff relationship policies and those legitimately imposed upon it from outside the organization.

1) Meeting discussion content will only be those issues which, according to Board policy, belong to the Board to decide.

2) Deliberation will be fair, open and thorough, but also efficient, timely and orderly.

b. The authority of the Chairperson consists of making decisions on behalf of the Board. This authority extends to all decisions with regard to the interpretation of Board policy, except where the Board specifically delegates portions of this authority to others.

1) The Chairperson is empowered to chair Board meetings with all the commonly accepted power of that position (e.g., ruling, recognizing).

2) The Chairperson may represent the Board to outside parties in announcing board-stated positions and in stating Chairperson's decisions and interpretations within the area delegated to him or her.

3) The Chairperson is responsible for Board discipline.

7. Vice Chairman

In case of the resignation, absence, or other disability of the Chairman, the Vice Chairman shall perform all of the duties of the Chairman. The Vice Chairman shall also perform such other and further duties as shall be assigned to him by the Chairman of the Board of Trustees.

8. Secretary

The Secretary shall be the official custodian of the records of the College and shall perform all duties required by the Board of Trustees and all duties here and before or hereafter provided in these rules. The Secretary shall co-sign with the Chairman of the Board all payroll and expenditure sheets, shall coordinate in cooperation with the President of the College election to the Board of Trustees, and shall co-sign all necessary legal documents as noted by the College attorney. It shall be the duty of the Secretary to cause to be recorded all proceedings of the Board of Trustees. The Secretary shall also attest to all public acts of the College and affix thereto, when necessary, the official seal of Spoon River College. The Secretary shall be the custodian of the official Bond of the Treasurer which shall be recorded in the records of the College.

9. Treasurer

It is the responsibility of the Board to appoint a Treasurer. By law, the Treasurer shall not be a trustee. He/She will be appointed for a two year term that is renewable at the biennial organizational meeting of the Board. His/Her duties shall include:

- a. provide for audit trails on all college accounts and,
- b. balance the college accounts each month.

It shall be the duty of the Treasurer to keep or cause to be kept a complete record of the financial transactions of the College, to cause all checks to be signed and to report from time to time concerning the financial status of the College. In lieu of actually securing signatures on the checks, the Treasurer may adopt the use of an electronic signature. This electronic signature shall be applied on checks in the manner approved by the Board and accepted by the Board's demand depository. The Treasurer shall present the Treasurer's Report of cash receipts and disbursements for the preceding month at the regular Board Meeting each month. In such instances as when a Board Meeting is scheduled other than the 4th Wednesday of the month, or when a regular meeting is not held in any given month, the Treasurer may present the same for review to a finance committee [if] appointed by the Chairperson of the Board. Final action will occur at the next scheduled meeting of the whole Board.

10. ICCTA Representative. Trustees nominate a Board member to fill the office for a two

year period. If the ICCTA Representative is nominated for an office at the State level, the SRC Board of Trustees will consider the appointment and any costs associated with serving at the State level. The Board has the final approval of the Trustee serving at the State level.

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: CODE OF CONDUCT

The Board requires ethical conduct collectively and from its members. This commitment includes proper use of authority and appropriate decorum in group and individual behavior when acting as a trustee of the College.

1. Trustees must represent the interests of the citizens of District 534. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards. This accountability supersedes the personal interest of any board member acting as an individual consumer of the College's services.

Trustees must avoid conflicts of interest with respect to their fiduciary responsibility.

- a. No Board member will conduct any private business or exchange any personal services with the College except as allowed by law and as procedurally controlled to assure openness, competitive opportunity and equal access to information.
 - b. Trustees must not use their positions to obtain or attempt to influence employment by the College for themselves, family members or close associates.
 - c. State law prohibits a community college trustee from receiving compensation from the college where he/she is a member of the board. The following is contained within the Public Community College Act: (110 ILCS 805/3-7e) (e) Members of the board shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in connection with their service as members. Compensation, for purposes of this Section, means any salary or other benefits not expressly authorized by this Act to be provided or paid to, for or on behalf of members of the board.
2. Trustees may not attempt to exercise individual authority over the organization except as explicitly set forth in board policies.
 - a. Trustees' interaction with the president or other employees of the college must acknowledge the lack of authority in any individual board member or group of board members except as noted above.
 - b. Trustees' interaction with the public, media or other entities must acknowledge the same limitation and the similar inability of any board member to speak for the entire board.
 - c. Trustees will make no judgments of the president or other employees of the college except as that performance is assessed against explicit board policies and through an official process.
 3. Trustees shall maintain confidentiality of privileged information, including all information discussed in closed session meetings.
 4. The board shall maintain a non-discriminatory and cooperative atmosphere in all activities while reflecting the Core Values of the college.
 5. Trustees are expected to attend all scheduled meetings and be informed concerning issues to be considered at those meetings.

6. It is a Trustee's obligation to make a constant effort to work with follow Board members with civility and in a spirit of harmony, mutual respect, and cooperation regardless of differences of opinion that may arise during vigorous debates.
7. It is a Trustee's obligation to maintain confidentiality of privileged information including that discussed during Closed Session.

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: TRUSTEE TRAINING

Public Act 99-962 amended the Illinois Public Community College Act by creating additional leadership training requirements for community college trustees.

All elected or appointed trustees for Illinois community colleges are required to complete a minimum of four (4) hours of professional development leadership training, effective January 1, 2017.

The training must be provided by an association established under the Illinois Public Community College Act for purposes of training trustees (i.e., ICCTA) and must cover topics that include, but are not limited to, the following:

- Open meetings laws
- Community college and labor law
- Freedom of Information law
- Contract law
- Ethics
- Sexual violence on campus
- Financial oversight and accountability
- Audits and Trustee fiduciary duties

The training must be completed during each of the first, third, and fifth years of each trustee's term.

- Each trustee must certify completion of the training to the Board secretary.
- If the training requirement is not completed, the Board secretary must send a notice to all elected or appointed members of the Board and the President of the college stating that fact.
- The college's website must also contain the names of all elected or appointed voting trustees and note whether they have or have not successfully completed the required training.

(5 ILCS 430/5-10.5)

Sec. 5-10.5.

Harassment and Discrimination Prevention Training.

(a) Until 2020, each officer, member, and employee must complete, at least annually, a sexual harassment training program. A person who fills a vacancy in an elective or appointed position that requires training under this Section must complete his or her initial sexual harassment training program within 30 days after commencement of his or her office or employment. The training shall include, at a minimum, the following: (i) the definition, and a description, of sexual harassment utilizing examples; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) the definition, and description of, retaliation for reporting sexual harassment allegations utilizing examples, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report. Proof of completion must be submitted to the applicable ethics officer. Sexual harassment training programs shall be overseen by the appropriate Ethics Commission and Inspector General appointed under this Act.

(a-5) Beginning in 2020, each officer, member, and employee must complete, at least annually, a harassment and discrimination prevention training program. A person who fills a vacancy in an elective or appointed position that requires training under this subsection must complete his or her initial harassment and discrimination prevention training program within 30 days after commencement of his or her office or employment. The training shall include, at a minimum, the following: (i) the definition and a description of sexual harassment, unlawful discrimination, and harassment, including examples of each; (ii) details on how an individual can report an allegation of sexual harassment, unlawful discrimination, or harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) the definition and description of retaliation for reporting sexual harassment, unlawful discrimination, or harassment allegations utilizing examples, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment, unlawful discrimination, and harassment and the consequences for knowingly making a false report. Proof of completion must be submitted to the applicable ethics officer. Harassment and discrimination training programs shall be overseen by the appropriate Ethics Commission and Inspector General appointed under this Act.

For the purposes of this subsection, "unlawful discrimination" and "harassment" refer to discrimination and harassment prohibited under Section 2-102 of the Illinois Human Rights Act.

(b) Each ultimate jurisdictional authority shall submit to the applicable Ethics Commission, at least annually, or more frequently as required by that Commission, a report that summarizes the harassment and discrimination prevention training program that was completed during the previous year, and lays out the plan for the training program in the coming year. The report shall include the names of individuals that failed to complete the required training program. Each Ethics Commission shall make the reports available on its website.

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: TITLE IX

POLICY:

Spoon River College is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment, and other misconduct on the basis of sex, which includes sexual orientation and gender-related identity. The College prohibits all forms of sex-based misconduct, including but not limited to sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The College also prohibits discrimination and harassment on the basis of sex, sexual orientation, gender-related identity and expression, pregnancy, and parental status under College Policy 3.1.1 Discrimination and Harassment.

It is the policy of Spoon River College to comply with Title IX of the *Education Amendments of 1972* (“Title IX”), the *Violence Against Women Reauthorization Act* (“VAWA”), Title VII of the *Civil Rights Act of 1964* (“Title VII”), the *Illinois Human Rights Act*, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”), the *Preventing Sexual Violence in Higher Education Act*, and all other applicable laws and local ordinances regarding unlawful sex-based discrimination, harassment, or other misconduct.

Individuals found to have engaged in prohibited sex-based misconduct will be subject to disciplinary action, up to and including termination and/or expulsion from the College.

SCOPE:

The College’s Policy Prohibiting Sex-Based Misconduct and these implementing Procedures apply to students, faculty, staff, appointees, or third parties, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

1. On College property or
2. Off College property if:
 - a. The conduct was in connection with a College or College-recognized program or activity;
or
 - b. The conduct may have the effect of creating a hostile environment for a member of the College community.

DETAILS:

Title IX Compliance: As required under Title IX, the College does not discriminate on the basis of sex in the education program or activity that it operates. This requirement not to discriminate extends to admission and employment.

The College has designated the Dean of Student Services as the Lead Title IX Coordinator who is responsible for coordinating the College’s efforts to comply with its responsibilities under Title IX. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be directed to the College’s Title IX Coordinator, the Assistant Secretary for Civil Rights at the United States Department of Education, or both.

Retaliation Prohibited: Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting sex discrimination, sexual harassment, or other sex-based misconduct, or against any person cooperating in the investigation of allegations of sex-based misconduct (including testifying, assisting, or participating in any manner in an investigation) is strictly prohibited and may violate the protections

of the *State Employees and Officials Ethics Act*, the *Whistleblower Act*, and the *Illinois Human Rights Act*.

Implementing Procedures: The College will establish, maintain, and publish procedures implementing this policy, which set forth:

- The scope and jurisdiction of the College’s prohibition on sex-based misconduct;
- Definitions of prohibited conduct;
- Responsibilities of and contact information for the College’s Title IX Coordinator and Director of Human Resources;
- Options for assistance following an incident of sex-based discrimination, harassment, or other misconduct;
- Procedures for reporting and confidentially disclosing alleged sex-based misconduct;
- The College’s response to reports of alleged sex-based misconduct;
- The College’s grievance process for complaints alleging Title IX sexual harassment and/or alleging sexual violence, domestic violence, dating violence, or stalking;
- Prevention and education programming provided to College students; and
- Training and education provided to the Title IX Coordinator, and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment, or other misconduct, or involved in the referral or provision of services to survivors.

PROCEDURE(S):

The College has an affirmative duty to take immediate and appropriate action once it knows, or its management should know, of an act of sex-based discrimination, sexual harassment, or other sex-based misconduct in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual discrimination, harassment, and/or misconduct in accordance with the procedures set forth below.

These Procedures govern sex-based misconduct in various forms, many of which may trigger legal obligations under one or more state and federal laws. In no case does the inapplicability of a particular legal framework require the College not to address an act of misconduct falling within the scope of these Procedures.

Appendix A provides definitions for these Procedures.

Administration

1. Title IX Coordinators: The College has designated the Dean of Students as the Lead Title IX Coordinator and the Human Resources Director as the Deputy Title IX Coordinator. Contact information for the Title IX Coordinators is as follows:

The College's Lead Title IX Coordinator and Deputy Title IX Coordinator are:

<u>Lead Title IX Coordinator</u>		<u>Deputy Title IX Coordinator</u>	
Name:	Melissa Wilkinson	Name:	Andrea Thomson
Position:	Dean of Student Services	Position:	Human Resources Director
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6329	Telephone:	(309) 649-6209
Email:	Missy.Wilkinson@src.edu TitleIXCoordinator@src.edu	Email:	Andrea.Thomson@src.edu TitleIXCoordinator@src.edu

Responsibilities of the Title IX Coordinator(s) include, but are not limited to:

- Overseeing the College’s response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Conducting and/or assigning Title IX investigations, including the investigation of facts relative to a complaint.
 - With respect to Title IX complaints that relate to a College employee as the complainant or as the respondent, the Lead Title IX Coordinator will partner with the Director of Human Resources to manage the investigation into the allegations and recommend any appropriate sanctions against an employee.
 - The Title IX Coordinator must not be the decision-maker for a determination of responsibility in response to a formal Title IX complaint of sexual harassment.
- Coordinating any appropriate supportive measures and ensuring the effective implementation of any remedies.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Ensuring that adequate training is provided to students, faculty, and staff on Title IX issues.
- Monitoring students’ participation in athletics and across academic fields to ensure that sex discrimination is not causing any disproportionate enrollment based on sex or otherwise negatively affecting a student’s access to equal educational opportunities.
- Developing a method to survey the school climate and coordinating the collection and analysis of information from that survey.
- Promoting an educational and employment environment which is free of sex discrimination and gender bias.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator(s) or to the Assistant Secretary for Civil Rights at the United States Department of Education:

Office for Civil Rights, *Chicago Office*
 U.S. Department of Education
 Citigroup Center
 500 W. Madison Street, Suite 1475
 Chicago, IL 60661-4544
 Telephone: (312) 730-1560
 Email: OCR.Chicago@ed.gov

2. **Director of Human Resources:** The Director of Human Resources will partner with the Lead Title IX Coordinator with respect to any complaints of sex-based misconduct that involve a College employee as the complainant or as the respondent. For any such complaints that involve a College employee as the respondent and fall outside the scope of Title IX, the Director of Human Resources will manage the investigation into the allegations and issue a decision and any appropriate sanction(s).

For complaints of sex-based misconduct that involve a College employee as the respondent, investigatory and disciplinary procedures required by any applicable collective bargaining agreement will apply in addition to these Procedures.

Options for Assistance Following an Incident of Sex-Based Discrimination, Harassment

or Misconduct

- 1. On-and off-Campus Counselors and Advocates:** The following on-and-off campus counselors and advocates can provide an immediate confidential* response in a crisis situation, as well as ongoing assistance and support:

Name:	*Andrea White (<i>lead confidential advisor</i>)	Name:	*Jill Olson
Position:	Student Success Coach	Position:	Director, Student Support Services Grant (TRIO)
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	208 S. Johnson Street Macomb, IL 61455
Telephone:	(309) 649-6225	Telephone:	(309) 833-6029
Email:	Andrea.White@src.edu	Email:	Jill.Olson@src.edu

*National: National Domestic Violence Hotline: (800) 799-SAFE (7233) www.thehotline.org

*National: National Sexual Assault **RAINN** (800) 656-HOPE (4673) www.rainn.org

*Illinois Coalition Against Sexual Assault
100 North 16th Street
Springfield, IL 62703
(217) 753-4117
www.icasa.org

*Fulton Mason Crisis Service
1330 E Ash
Canton, IL 61520
(309) 647-8311

Fulton Mason Crisis Service
227 S Harpham St.
Havana, IL 62644
(309) 543-6706

*Macomb & Rushville Rape Crisis Agency
Western Illinois Regional Council/Community Action Agency
Victim Services
2500 E. Jackson Street
Macomb, IL 61455
Phone: (309) 836-2148, x145
Hotline: (309) 837-5555
<http://wirpc.org/>

*Indicates Confidential Advisors, as defined in Appendix A.

- 2. Emergency Response:** Anyone who experiences or observes an emergency situation should immediately call 911 and/or one of the phone numbers listed below:

<u>Canton Police Department</u> 2 North Main Street B	<u>Fulton County Sherriff's Office</u> 268 West Washington Avenue
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Canton, IL 61520 Phone: (309) 647-5131	Lewistown, IL 61542 Phone: (309) 547-2277
<u>Havana Police Department</u> 226 West Market Street Havana, IL 62644 Phone: (309) 543-3321	<u>Macomb Police Department</u> 120 South McArthur Street Macomb, IL 61455 Phone: (309) 833-4505
<u>Rushville Police Department</u> 220 West Washington Street Rushville, IL 62681 Phone: (217) 322-6633	

3. Off-Campus Health Care Options

<u>*Canton Medical Facilities</u> Graham Hospital 210 W. Walnut Street Canton, IL 61520 (309) 647-5240	<u>*Macomb Medical Facilities</u> McDonough District Hospital 525 East Grant Street Macomb, IL 61455 (309) 833-4101
<u>*Havana Medical Facilities</u> Mason District Hospital 615 N. Promenade St. Havana, IL 62644 (309) 543-4431	<u>*Rushville Medical Facilities</u> Culbertson Memorial Hospital 238 S. Congress Rushville, IL 62681 (217) 322-4321

*Indicates health care options which provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost, pursuant to the *Sexual Assault Survivors Emergency Treatment Act* (410 ILCS 70).

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

Off-campus health care providers will generally maintain confidentiality and not share information with the College unless the reporting person requests the disclosure and signs a consent or waiver form. Note, however, that while these health care providers may maintain a reporting person's confidentiality vis-à-vis the College, they may have other reporting obligations under State law.

4. **State of Illinois Sexual Harassment and Discrimination Helpline:** The Illinois Department of Human Rights has established a helpline for individuals to obtain information about their reporting options and referrals to other resources. The helpline is available Monday through Friday, from 8:30 a.m. to 5:00 p.m., at (877) 236-7703.

Making a Report of Alleged Sex-Based Misconduct

Any student, employee, or community member who wishes to avail himself or herself of these Procedures may do so by making a report to the Title IX Coordinator, President, Vice President, Dean(s), or Human Resources Director. Students may also make a report to any Responsible Employee, as defined below. Detailed information concerning student and employee reporting follows below.

1. Student Reporting

The College encourages students who have experienced sex-based misconduct to talk with

someone about what happened so that they can get the support they need and so that the College can respond appropriately. Different employees on campuses have different reporting obligations with regard to alleged sex-based misconduct. Some College employees (referred to as “Responsible Employees”) are required to report all incidents of sex-based misconduct to the Title IX Coordinator, including the identities of the persons involved in the incident. While only designated Responsible Employees are required to report all incidents of sex-based misconduct to the Title IX Coordinator, all members of the College community (including students) are encouraged to report such incidents to the Title IX Coordinator.

The various reporting options available are set forth in further detail below. Regardless of to whom a report is made, the College will provide the person alleged to be the victim, if identified, with concise information, written in plain language, of the person’s rights and options pursuant to these procedures.

Immunity for Good Faith Reporting: Students who, in good faith, report an alleged violation of the College’s Policy Prohibiting Sex-Based Misconduct will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (such as underage drinking) revealed during the course of reporting. Immunity will not be provided for student conduct violations which the College determines are egregious, including, without limitation, misconduct which places the health or safety of another person at risk.

a. Student Reporting to the Title IX Coordinator(s)

Students are encouraged to report alleged incidents of sex-based misconduct to the Title IX Coordinator(s) directly. The College’s Title IX Coordinator(s) are:

Name: Position: Address: Telephone: Email:	<u>Lead Title IX Coordinator</u> Melissa Wilkinson Dean of Student Services 23235 N. County Hwy 22 Canton, IL 61520 (309) 649-6329 Missy.Wilkinson@src.edu TitleIXCoordinator@src.edu	Name: Position: Address: Telephone: Email:	<u>Deputy Title IX Coordinator</u> Andrea Thomson Human Resources Director 23235 N. County Hwy 22 Canton, IL 61520 (309) 649-6209 Andrea.Thomson@src.edu TitleIXCoordinator@src.edu
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b. Student Reporting to Responsible Employees

A Responsible Employee, as defined in Appendix A, must report to the Title IX Coordinator all relevant details about an alleged incident of sex-based misconduct shared by a student, including the date, time and specific location of the alleged incident, and the names of all involved individuals. To the extent possible, information shared with a Responsible Employee will be disclosed only to the Title IX Coordinator and/or those individuals responsible for handling the College’s response to the report.

The following categories of employees are the College’s Responsible Employees:

- Title IX Coordinator(s)
- College Administrators
- Directors
- Faculty
- Coaches
- Advisors
- Student Success Coaches

- Multi-Purpose Building Coordinator
- Human Resources Generalist

Before a student reveals any information to a Responsible Employee, the employee should ensure that the student understands the employee’s reporting obligations. If the student wants to make a confidential report, the Responsible Employee should direct the student to the confidential resources listed on page 5 and 6.

If the student wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student that the College will consider the request, but that the College cannot guarantee it will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the student’s request for confidentiality.

c. Confidential Reporting

Students who wish to confidentially report an incident of sex-based misconduct may make a confidential report to:

Campus Counselor	
Name:	Andrea White (<i>lead confidential advisor</i>)
Position:	Student Success Coach
Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6225
Email:	Andrea.White@src.edu

The individual in this list is a Confidential Advisor, as defined in Appendix A. Professional, licensed counselors who provide mental health counseling to students (including counselors who act in that role under the supervision of a licensed counselor) are not required to report any information about an alleged incident to the Title IX Coordinator without a student’s permission.

Note: While the individual listed above may maintain a student’s confidentiality, vis-à-vis the College, they may have reporting or other obligations under State law. Any College employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that a person alleged to be the perpetrator of sexual misconduct poses a serious and immediate threat to the College community, local Police may be called upon to issue a timely warning to the College community. Any such warning will not include any information that identifies the person alleged to be the victim.

d. Electronic and/or Anonymous Reporting

The College maintains an online system for electronic reporting. The reporter may choose to provide his/her identity or may choose to report anonymously. The system will notify the user, before he/she enters information, that entering personally

identifying information may serve as notice to the College for the purpose of triggering an investigation. Anonymous reports can be filed at <http://www.src.edu/about/Pages/titleix.aspx> . Where a reporter chooses to provide his/her identity and contact information, the College will respond to the reporter within 12 hours.

- e. **Note Regarding Student Participation in Public Awareness Events**
Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to the College of sex-based discrimination, harassment, or misconduct for purposes of triggering an obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ rights at these events.

2. **Employee Reporting**

a. **Alleged Sex-Based Misconduct of a Student**

In addition to the reporting requirements for Responsible Employees (see page 25), all College employees who have information regarding sex-based misconduct of a student should report it to the Title IX Coordinator or any Responsible Employee.

b. **Alleged Sex-Based Misconduct of an Employee**

An employee should notify the Title IX Coordinator or Director of Human Resources if he or she believes that the College or a member of the College community has engaged in sex discrimination, sexual harassment, or other sex-based misconduct in violation of the College’s Policy Prohibiting Sex-Based Misconduct or College Policy 3.1.1 Discrimination and Harassment.

3. **Knowingly False Reporting**

A person who knowingly makes a false report of sex-based misconduct may be subject to disciplinary action, up to and including suspension, expulsion, or termination. A determination regarding responsibility, alone, is not sufficient to conclude that a person knowingly made a false report.

C. **Board Member Reporting**

Members of the College’s Board of Trustees and other elected officials should promptly report claims of sex-based misconduct against a Board member. Board members and elected officials should report claims of sex-based misconduct against a Board member to the Board Chair or College President. If the report is made to the College President, the President shall promptly notify the Board Chair, or if the Board Chair is the subject of the complaint, the Board Vice Chair. When a complaint of sex-based misconduct is made against a member of the Board of Trustees, the Board Chair shall consult with legal counsel for the College to arrange for an independent review of the allegations. If the allegations concern the Board Chair, or the Board Chair is a witness or otherwise conflicted, the Board Vice Chair shall so consult with legal counsel. If the allegations concern both the Board Chair and the Board Vice Chair, and/or they are witnesses or otherwise conflicted, the Board Secretary shall so consult with legal counsel. The investigator shall prepare a written report and submit it to the Board.

College Response to Reports of Alleged Sex Discrimination, Harassment or Other

Misconduct

1. Processing of Report

Upon receipt of a report, the Title IX Coordinator will analyze the report to determine the appropriate method for processing and reviewing it.

For any report alleging sexual harassment, as defined under Title IX, and/or alleging sexual violence, domestic violence, dating violence, or stalking pursuant to the Preventing Sexual Violence in Higher Education Act, the Title IX Coordinator will promptly contact the person alleged to be the victim (hereinafter “complainant”) to:

- a. Discuss the availability of supportive measures (see below);
- b. Consider the complainant’s wishes with respect to supportive measures;
- c. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- d. Explain to the complainant the process for filing a formal complaint.

2. Supportive Measures

Supportive measures (also referred to as “interim protective measures”) are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent, irrespective of whether a formal complaint has been filed.

Examples of supportive measures that the College may offer include, but are not limited to:

- Counseling and mental health support;
- Extensions of deadlines or other course-related adjustments;
- Leaves of absence;
- Changes to academic, living, dining, transportation and/or working schedules or situations;
- Increased security and monitoring of certain areas of campus;
- Issuance and enforcement of mutual campus no contact orders; and
- Enforcement of an order of protection or no contact order entered by a State civil or criminal court.

A report of alleged sex-based misconduct may also prompt the College to consider broader remedial action, such as increased monitoring, supervision, or security at locations where the alleged incident occurred; increased education and prevention efforts, including to targeted population groups; the use of climate assessments and/or victimization surveys; and/or revisions to the College’s policies and practices.

The College will maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the College’s ability to provide the supportive measures.

The Title IX Coordinator(s) is/are responsible for coordinating the College’s implementation of supportive measures.

3. Emergency Removals and/or Administrative Leave

Prior to initiating or completing the Grievance Process in response to a formal complaint, described further on page 15, or in the absence of a formal complaint, the College may remove a respondent from the College's education program or activity on an emergency basis. Where the alleged conduct, if proven, would constitute sexual harassment as defined under Title IX, the College will effectuate an emergency removal only where the College has determined, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In such cases, the College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

In addition, the College may place an employee on administrative leave during the pendency of the Grievance Process in response to a formal complaint.

4. Clery Act Reporting Obligations

Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*

("Clery Act"), 20 U.S.C. § 1092(f), the College will issue timely warnings to the campus community

about crimes that have already occurred but may continue to pose a serious or ongoing threat to

students and employees. The *Clery Act* also requires the College to maintain a public crime log and publish an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault.

Grievance Process for Complaints Alleging Title IX Sexual Harassment and/or Alleging Sexual Violence, Domestic Violence, Dating Violence or Stalking

For purposes of this Grievance Process, a formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging (a) sexual harassment in violation of Title IX and/or (b) sexual violence, domestic violence, dating violence, or stalking in violation of the *Preventing Sexual Violence in Higher Education Act*; and requesting that the College investigate the allegation. At the time of filing a formal complaint pursuant to this Grievance Process, the complainant must be participating in or attempting to participate in the College's education programs or activities, either as a student or an employee. Should a formal complaint be filed, the Title IX Coordinator will investigate the formal complaint or appoint a qualified person to undertake the investigation on his or her behalf.

The College as it deems appropriate may extend the time provided in this Grievance Process to comply with a requirement and may postpone the scheduled date for any proceeding, meeting, or hearing, provided that the extended deadline or postponed date would not exceed a time limit required by law. If one of the parties requested the extension or postponement, that it is available on an equal basis to both parties.

1. Notice of Allegations

Within 10 business days after signing a formal complaint or receiving a formal complaint filed by a complainant, the Title IX Coordinator will provide written notice to the parties who are known of the following:

- a. This Grievance Process, including the informal resolution process, where applicable.
- b. The allegations potentially constituting sexual harassment under Title IX and/or sexual violence, domestic violence, dating violence, or stalking under the *Preventing Sexual Violence in Higher Education Act*, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- c. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- e. That the parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source.
- f. The College Code of Conduct provision(s) that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, the College decides to investigate allegations that are not included in the initial written notice of allegations, the Title IX Coordinator will provide subsequent written notice of the additional allegations to all known parties.

2. Informal Resolution

At any time after receiving the initial notice of allegations (See page 15), and prior to a determination regarding responsibility being reached, the complainant and respondent may request to participate in an informal resolution process. Informal resolution will only occur with both parties' voluntary, written consent. At any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The College does not permit informal resolution in cases involving alleged sexual harassment, sexual violence, domestic violence, dating violence, or stalking by a College employee toward a student.

3. Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations 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 misconduct arise out of the same facts or circumstances.

4. Dismissal of Formal Complaints

If, during the course of an investigation or following an investigation into a formal complaint, the Title IX Coordinator or designated Investigator determines that the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 C.F.R. § 106.30 (Title IX) even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the formal complaint with regard to that conduct for purposes of Title IX. In cases where the College determines that Title IX is not applicable, but the College still intends to apply this Grievance Process to resolve the alleged misconduct, the College will inform the parties that Title IX is inapplicable but that such Process will nevertheless be applied. In addition, dismissal of a formal complaint for purposes of Title IX does not preclude action under other College policies and procedures.

The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, at any time during an investigation if:

- a. the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- b. the respondent is no longer enrolled or employed by the College; or
- c. specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal - either of a complaint altogether, or of a complaint for purposes of Title IX - the Title IX Coordinator or Investigator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. Dismissal of a formal complaint under this Process does not preclude action under other College policies and procedures.

5. Investigation of Formal Complaint

The Title IX Coordinator will appoint one or more trained investigators to undertake an investigation into a formal complaint. Throughout the investigation, the parties will be afforded an equal opportunity to present witnesses including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Any proceeding, meeting, or hearing held to resolve formal complaints pursuant to this Grievance Process will protect the privacy of the participating parties and witnesses.

Both parties will be afforded an opportunity to be accompanied to any meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The advisor's role is limited to providing support, guidance, and/or advice, and to conducting cross-examination during the live hearing (see page 18). A party's advisor may not speak on behalf of the party during any meeting, interview, or hearing and must comply with all behavioral rules and expectations set forth in these Procedures. If a party's advisor violates these Procedures or engages in behavior that harasses, abuses, or intimidates a party, witness, or individual resolving a complaint, that advisor may be prohibited from further participation.

When a party's participation is invited or expected at an investigative interview or other meeting, the Investigator will provide that party with written notice of the date, time, location, participants, and purpose of said interview or meeting at least three (3) business days prior to the interview or meeting.

At the conclusion of the investigation, and prior to the Investigator's completion of his/her investigative report, the Investigator will send to each party (and the party's advisor, if any) the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, in hard copy. The parties will have 10 business days to submit a written response to the evidence, which the Investigator will consider prior to completion of his/her investigative report.

After receiving and reviewing the parties' written responses, if any, the Investigator will create an investigative report that fairly summarizes the relevant evidence, and will forward a copy of his/her report to the Title IX Coordinator. Upon receipt of the Investigator's Report, the Title IX Coordinator will schedule a hearing. At least 10 business days prior to the hearing, the Title IX Coordinator will:

- a. Provide both parties with written notice of the hearing date, time, location participants (including the name of the appointed Hearing Officer), and purpose of the hearing; and
- b. Send to each party (and the party's advisor, if any) the investigative report in hard copy for their review and written response.

6. Hearings

A hearing will be conducted by a Hearing Officer appointed by the College. Both parties will have the opportunity to request a substitution if the participation of the appointed Hearing Officer poses a conflict of interest. A party wishing to request a substitution must contact the Title IX Coordinator within three (3) business days after the party's receipt of the notice of hearing to make such a request.

At the request of either party, the College will arrange for the live hearing to occur with the parties located in separate rooms, with technology enabling the Hearing Officer and parties to simultaneously see and hearing the party or witness answering questions. A party wishing to request that the live hearing occur with the parties located in separate rooms must contact the Title IX Coordinator to request such an arrangement at least three (3) business days in advance of the hearing. The College may conduct any live hearing virtually, with the participants in one or more separate geographical locations, and with technology enabling participants simultaneously to see and hear each other.

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and may never be conducted by a party personally.

If a party does not have an advisor who is available to conduct cross-examination on behalf of that party at the live hearing, then the College will provide the party with an advisor of the College's choice, free of charge, to conduct cross-examination on behalf of that party. To invoke this right, the party must notify the Title IX Coordinator at least three (3) business days in advance of the hearing that the party does not have an advisor to conduct cross-examination. A party who fails to notify the College that he/she does not have an advisor within the required three (3) business day timeframe will waive the right to request that an advisor be appointed.

Only relevant questions, as determined by the Hearing Officer, may be asked of a party or witness.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except where:

- a. The questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- b. The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, either due to absence from the hearing or due to the party's or witness's refusal to answer cross-examination or other questions, the Hearing Officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The College will make all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint available for the parties' inspection and review during the hearing. In addition, the College will create an audio or audiovisual recording or transcript of the live hearing, which the Title IX Coordinator will make available to the parties for inspection and review upon request.

7. Determination Regarding Responsibility

The Hearing Officer will make a decision regarding responsibility within ten business days. The Hearing Officer will apply a preponderance of the evidence standard when determining responsibility. Within seven (7) business days of reaching his/her decision, the Hearing Officer will issue a written determination to both parties simultaneously. The written determination will include:

- a. Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30 (Title IX) and/or constituting sexual violence, domestic violence, dating violence, or stalking pursuant to the *Preventing Sexual Violence in Higher Education Act*;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the College Code of Conduct or other conduct standards to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- f. The procedures and permissible bases for the complainant and respondent to appeal.

8. Appeals

Both parties will have the right to appeal any determination regarding responsibility, and any dismissal of a formal complaint or allegations therein, to the Vice President or designee. An appeal must be based on one or more of the following grounds:

- a. A procedural irregularity occurred;
- b. New evidence or information exists that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter; and/or
- d. The sanction is disproportionate with the violation.

A party who wishes to appeal a determination regarding responsibility or a dismissal of a formal complaint or allegations therein must submit a written appeal request to the Title IX Coordinator within seven (7) business days of the party's receipt of the written determination or written dismissal notice. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination or dismissal.

Within seven (7) business days of the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request to the Vice President or designee and will notify the other party in writing that an appeal has been filed. Before reaching a determination regarding the appeal, the Vice President or designee will afford both parties an equal opportunity to submit a statement in support of, or challenging, the determination or responsibility or dismissal that is the subject of the appeal. Within seven (7) business days after the Vice President or designee has concluded his/her review of the appeal, the Vice President or designee will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The Vice President or designee's decision is final.

Prevention and Education for Students

The College will review, on an ongoing basis, its sexual discrimination, harassment, and misconduct prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual discrimination, harassment, and misconduct, including primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

The College, in conjunction with its Crisis Team, established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its prevention and education offerings to identify ways in which to enhance its effectiveness.

Training

The Title IX Coordinator(s) and anyone else involved in the receipt of reports of, responding to, investigating, or adjudicating alleged incidents of sexual discrimination, harassment, or other misconduct, or involved in the referral or provision of services to survivors receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College policies and

procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

In addition to the above training, individuals who investigate or resolve complaints, including through informal resolutions, receive at least 8-10 hours of annual training on issues related to *Preventing Sexual Violence in Higher Education Act* offenses including sexual violence, domestic violence, dating violence, and stalking; the scope of the College's education program or activity; the Title IX and College definitions of sexual harassment; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and how to conduct the College's Grievance Process outlined on Page 15, above. Decision-makers in particular receive training on any technology to be used at live hearings and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators in particular receive training on issues of relevance so as to enable them to create an investigative report that fairly summarizes relevant evidence.

All Confidential Advisors receive 40 hours of training on sexual violence before being designated a Confidential Advisor. Annually thereafter, Confidential Advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Confidential Advisors also receive periodic training on the College administrative process, interim protective measures and accommodations, and the College's Grievance Process (see Page 15).

The College, in conjunction with its Crisis Team established pursuant to the *Campus Security Enhancement Act of 2008* (110 ILCS 12/10), will annually review its training offerings to identify ways in which to enhance its effectiveness.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

APPENDIX A

Definitions for the College's Sex-Based Misconduct Procedures

- 1. Bystander Intervention:** see Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- 2. Complainant:** an individual who is alleged to be the victim of conduct that could constitute sex-based misconduct.
- 3. Confidential Advisor:** a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence. Confidential Advisors may include persons employed by a community-based sexual assault crisis center with whom the College partners. Individuals designated as "Responsible Employees" (Categories of Responsible employees page 9 Definition on page 24) of these Procedures are not Confidential Advisors.
- 4. Consent:** knowing and voluntary agreement to engage in sexual activity. Coercion, force, or the threat of either invalidates consent. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person's manner of dress does not constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with

another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: 1) the person is incapacitated due to the use or influence of alcohol or drugs; 2) the person is asleep or unconscious; 3) the person is under age; or 4) the person is incapacitated due to a mental disability.

5. **Dating Violence:** violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
6. **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.
7. **Education Program or Activity:** a location, event, or circumstance over which the College exercised substantial control over both the respondent and the context in which the sex-based misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
8. **Hate Crime:** an act or an attempted act that violates a criminal statute by any person that in any way constitutes an expression of hostility toward the victim because of his or her sex, race, ethnicity, religion, age, disability, national origin, sexual orientation, or gender-related identity, color, marital status, military status, or unfavorable military discharge.
9. **Hostile Environment Caused by Sexual Harassment:** a sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive, or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services, or opportunities of the College's educational programs or activities, or the individual's employment access, benefits, or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.
10. **Incapacitation:** when a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or because of an intellectual or other disability which prevents the person from having the capacity to give consent.
11. **Intimidation:** to intentionally make another timid or fearful, to compel or deter by, or as if by threats. Intimidation is a form of retaliation prohibited by the College's Policy Prohibiting Sex-Based Misconduct and these Procedures.
12. **Preponderance of the Evidence:** when considering all the evidence in the case, the decision-maker is persuaded that the allegations are more probably true than not true.

13. **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sex-based misconduct.
14. **Responsible Employee:** a College employee who has the authority to redress sex-based misconduct, who has the duty to report incidents of such misconduct or other student misconduct, or whom a student could reasonably believe has this authority or duty. Page 9 of these Procedures lists categories of employees who are Responsible Employees for the College.
15. **Retaliation:** Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment, or misconduct, or any person cooperating in the investigation of such allegations (including testifying, assisting, or participating in any manner in an investigation) is strictly prohibited and may violate the protections of the *State Employees and Officials Ethics Act*, the *Whistleblower Act*, and the *Illinois Human Rights Act*. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College's Sex-Based Misconduct Policy and these Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or supportive measures imposed in response to the allegations of sexual discrimination, harassment, or misconduct.
16. **Sexual Assault:** any type of sexual contact or behavior that occurs by force or coercion, without consent of the recipient of the unwanted sexual activity, or in a familial relationship of a degree that would prohibit marriage. It includes sexual acts against a person who is unable to consent either due to age or lack of capacity or impairment. Examples include forcible sexual intercourse, forcible sodomy, forcible fondling, child molestation, incest, attempted rape, statutory rape, and rape. Sexual assault can occur between members of the same or opposite sex. Sexual assault includes any forced act against one's will where sex is the weapon.
17. **Sex-Based Misconduct:** Misconduct on the basis of sex, sexual orientation, or gender-related identity. Such misconduct includes sex discrimination, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence, and stalking.
18. **Sexual Exploitation:** when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or a sexually transmitted disease to another, or exposing one's genitals to another in non-consensual circumstances.
19. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual acts or favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:
 - Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades;
 - Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual;

- Such conduct has the purpose or effect of substantially interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive employment, or educational environment; or
- Such conduct denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits, or opportunities.

Examples of conduct of a sexual nature may include:

- Verbal: Specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats, whether spoken or in emails, articles, documents, or other writings.
- Non-Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures.
- Physical: Touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault.

- 20. Sexual Violence:** physical sexual acts attempted or perpetuated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.
- 21. Survivor:** an individual who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled, employed, or attending an event at a higher education institution.
- 22. Survivor-Centered:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- 23. Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress.
- 24. Threat:** any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.
- 25. Trauma-Informed Response:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: ATTRIBUTES OF A SPOON RIVER COLLEGE TRUSTEE

1. The Trustee understands his/her accountability to the Board as a whole.
2. The Trustee has the ability to set aside self-interests when undertaking the work of the Board.
3. The Trustee must contribute to a high level of trust by:
 - a. being honest and openly sharing opinions during meetings.
 - b. avoiding any personal agenda.
 - c. holding the institution to high standards by focusing on performance.
 - d. focusing on the Vision of the college, and not daily operations.
 - e. assuming responsibility for Board performance and development by participating in an annual Board of Trustee evaluation.
 - f. supporting decisions made by the full Board.
 - g. helping develop friends and supporters for the College.
4. The Trustee contributes to the Board's ability to govern by policy and not through personal or special interest.
5. The Trustee respects and adheres to proper channels for flow of information within the College.
6. The Trustee maintains a problem-solving posture when considering issues brought before the Board.
7. The Trustee is *future* oriented – moving the college toward its Vision.
8. The Trustee focuses on what can and should be done, not on limitations.
9. The Trustee treats fellow Board members and all employees of the College with respect and dignity.
10. The Trustee recognizes his/her role in supporting the Spoon River College Foundation, its efforts and philanthropic initiatives.
11. The Trustee exhibits a commitment to higher education.
12. The Trustee prepares for and regularly attends Board meetings and is a contributor to constructive dialogue.

**ETHICS RESOLUTION
FOR
AN ILLINOIS PUBLIC COMMUNITY COLLEGE DISTRICT**

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003, codified at 5 ILCS 430/1-1 and following), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and community college districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government, school districts, and community college districts to penalize violations; and

WHEREAS, this Resolution has been adopted in order to and shall be construed in a manner so as to comply with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SPOON RIVER COLLEGE DISTRICT NO. 534, COUNTIES OF FULTON, MASON, MCDONOUGH, SCHUYLER, AND KNOX, STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1: The Policy Manual of the Board is hereby amended by the addition of the following provisions in Board Policy Type: Governance Process, Policy Title: State Officials and Employees Ethics Act.

**ARTICLE 1
DEFINITIONS AND GENERAL PROVISIONS**

Section 1-1. For purposes of this Resolution, the following terms shall be given these definitions or, if different from time to time, then as defined by the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following):

"Board" means the Board of Trustees of Public Community College No. 534, Counties of Fulton, Mason, McDonough, Schuyler, and Knox, State of Illinois.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or

Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as contemplated by the Illinois Educational Labor Relations Act (115 ILCS 5/1 and following).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Resolution, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Board of Trustees, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include a volunteer or an independent contractor.

"Employer" means the Board of Trustees.

"Employment benefits" include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee, member, or officer. The value of a gift may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and for employees of the office of the Auditor General.

"Governmental entity" means a unit of local government (including a community college district) or a school district but not a State agency or a Regional Transit Board.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or law, regardless of whether the officer is compensated for service in his or her official capacity. The term "officer" includes all members of the Board of Trustees.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), as the case may be, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

(5) is registered or required to be registered with the Secretary of State under the lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

(6) is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source."

Section 1-2. Construction. This Resolution shall be construed in a manner consistent with the provisions of the State Officials and Employees Ethics Act (codified at 5 ILCS 430/1-1 and following). This Resolution is intended to impose the same but not greater restrictions than the Act.

ARTICLE 5 PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any

property or resources of the Board of Trustees in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a State employee on a voluntary basis as permitted by law.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10
GIFT BAN

Section 10-10. Gift Ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-15. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
- (5) Travel expenses for a meeting to discuss business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments provided as a "contribution" under the definition of the term offered above, not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii)

catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Section 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15 WHISTLE BLOWER PROTECTION

SECTION 15-5. Definitions. In this Article:

“Public body” means (1) any officer, member, or State agency; (2) the federal government; (3) any local law enforcement agency or prosecutorial office; (4) any federal or State judiciary, grand or petit jury, law enforcement agency, or prosecutorial office; and (5) any officer, employee, department, agency, or other division of the foregoing.

“Supervisor” means an officer, a member, or a State employee who has the authority to direct and control the work performance of a State employee or who has authority to take corrective action regarding any violation of a law, rule, or regulation of which the State employee complains.

“Retaliatory action” means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, that is taken in retaliation for a State employee’s involvement in protected activity, as set forth in Section 15-10.

Section 15-10. Protected activity. An officer, a member, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

SECTION 20-23 ETHICS OFFICERS

Ethics Officers. Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an Ethics Officer for the office or State Agency. The Ethics Officer for Spoon River College is the Vice President.

ARTICLE 20 ETHICS COMMISSION

Section 20-1. An Ethics Commission may be appointed by the Board of Trustees to review opinions issued by the Ethics Advisor, to consider ethics complaints, and to undertake other responsibilities deemed appropriate. If appointed, the Ethics Commission shall consist of three (3) members. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any member of the Board of Trustees. The Ethics Commission may be appointed to serve on an ongoing basis or on an ad hoc basis.

Section 20-2. Where appointed to serve on an ongoing basis, at the first meeting of the Ethics Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The Board of Trustees

The Board of Trustees may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions or reprimand. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Resolution and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Resolution.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Board of Trustees to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Resolution.

Section 20-5.

(a) Complaints alleging a violation of this Resolution shall be filed with the Ethics Commission.

(b) The Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall also send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Resolution, to determine whether there is cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent required by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on cause to proceed within ten business days after such meeting. If the complaint is deemed sufficient to allege a violation of Article 10 of this Resolution and there is a determination of cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks thereafter.

(d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline or reprimand to the alleged violator and to the Board of Trustees. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) A complaint alleging the violation of this Resolution must be filed within one year after the alleged violation.

ARTICLE 25
BOARD ACTION ON RECOMMENDATION OF COMMISSION

Section 25-1. Officers. Upon receipt of a recommendation from the Ethics Commission, the Board of Trustees may issue a reprimand to a board member or officer who intentionally violates any provision of Article 5 or Article 10 of this Resolution.

Section 25-2. Employees. Upon receipt of a recommendation from the Ethics Commission, the Board of Trustees may initiate a disciplinary or discharge action against an employee who intentionally violates any provision of Article 5 or Article 10 of this Resolution in accordance with the applicable procedures.

SECTION 2: This Resolution shall be in effect upon its approval by the Board of Trustees.

APPROVED: April 28, 2004.

BOARD OF TRUSTEES
SPOON RIVER COLLEGE DISTRICT 534,
COUNTIES OF FULTON, MASON, MCDONOUGH,
SCHUYLER, AND KNOX, STATE OF ILLINOIS

BY _____
Chair

Secretary

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: ANNUAL BOARD PLANNING CYCLE

The Board will follow an annual planning cycle which will include a review of its policies and performance. The board will adhere to the following planning cycle with exceptions only under rare circumstances:

January

Regular Board Meeting Schedule (adopt each year)
Closed Session Minutes

February

Tuition/Fee increase effective Fall semester
Lab/Course fee increase effective Fall semester
Review Board Budget

March

Tenure and sabbatical recommendations
Approve Board Budget

April

Seat newly-elected trustees
Election of Chair, Vice-Chair, Secretary, and Treasurer for two-year terms
Appoint ICCTA Representative and Alternate ICCTA Representative
Regular Board Meeting Schedule (during reorganization years)
Seat new Student Trustee
Appoint Auditors

May

Annual review of insurance policies and levels of coverage
Maintenance Contract
Security Contract

June

Prevailing Wage
Appoint College attorney
Appoint employment law consultant
Resource Allocation and Management Plan (RAMP)
Contract and Performance review for President
Closed Session Review Committee reviews Closed Session Minutes for approval, release, and unreleased discussion at the January and July board Retreats in preparation for action at the January and July Regular Board Meetings.

July

Review the Board Policies (as needed)
Closed Session Minutes
Sexual Harassment Training

August

Budget
Risk Management Plan

September

Audit

October

Board Budget review

November

Approve Strategic Plan

December

Tax Levy

Closed Session Review Committee reviews Closed Session Minutes for approval, release, and unreleased discussion at the January and July board Retreats in preparation for action at the January and July Regular Board Meetings.

Revised: July 28, 2021

Reviewed: July 28, 2021

Board Approved: July 28, 2021

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD COMMITTEES

The Board may establish committees to assist the Board in fulfilling its responsibilities. Committees, however, will be used sparingly and will not interfere with delegation procedures from the Board to the President.

Board Committees

Executive Committee

Finance Committee

Human Resources Committee

Enrollment Management Committee

Curriculum Committee

Closed Session Minutes Review Committee

Closed Session Minutes Review Committee Guidelines

All Trustees have a duty to review all new closed session minutes and all such minutes that remain closed. It is the responsibility of every Trustee to make determinations concerning closed minutes regardless of their length of service or dates served. Trustees shall act in the best interest of the College when reviewing unreleased minutes and making determinations about release or continued closed status. Trustees shall comply with all Illinois laws and regulations in reviewing the minutes and making determinations concerning the minutes and tapes of closed sessions. The ultimate goal of the Board should be to release as many closed session minutes as possible for as much transparency as possible while considering the competing interests of persons, the college, and the public.

The Closed Session Minutes Review Committee shall meet at least semi-annually to review Closed Session minutes and to recommend to the Board the approval of minutes, release of minutes, minutes to remain closed, and tape destruction.

For this review, the Committee has identified issues to address in a Board of Trustees Closed Session Meeting, as specific considerations when determining if a set of minutes is recommended for release:

Employee or Board Member Conduct. Minutes remain closed/unreleased until the subject as referenced in the minutes is deceased.

Tenure Considerations. Minutes remain closed/unreleased when the subject of discussion is to not grant or extend tenure until the subject as referenced in the minutes is deceased.

Student Discipline. Minutes remain closed/unreleased a minimum of twenty years after the minutes are created.

Real Estate. Minutes remain closed/unreleased a minimum of ten years after the minutes are created.

Land Acquisition. Minutes remain closed/unreleased a minimum of ten years after the minutes are created.

Revised: September 2023

Reviewed: September 27, 2023

Board Approved: September 27, 2023

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: MEETINGS

The Board will conduct its meetings consistent with state law and at such time and place, and in such a manner as it may deem appropriate.

1. Regular meetings of the Board shall be held on the appointed time and day and place designated by resolution of the Board, and that notice shall be provided in accordance with 5 ILCS 120/2.02.
2. Special meetings of the board may be called by the chairperson or any three board members by serving on the other members a written notice of the day, time, place and purpose of such special meetings. Public notice must be given at least 48 hours prior to said meeting in accordance with 5 ILCS 120/2.02.
3. The Illinois Community College Act requires a majority of the members of the board present to open a meeting and at least a majority of the board present to support actions on behalf of the college.

Attendance by means other than physical presence 5 ILCS 120/7 (a). If a quorum of the members of the public body is physically present as required by Section 2.01, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference. (b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

In accordance with the Governor's Emergency Order, Public Act 101-640(e) subject to the requirements of Section 2.06 but notwithstanding any other provision of law, an open or closed meeting subject to this Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met: (1) the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area; (2) the head of the public body as defined in subsection (e) of Section 2 of the Freedom of Information Act determines that an in-person meeting or a meeting conducted under this Act is not practical or prudent because of a disaster; (3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony; (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the public body must make alternative arrangements and provide notice pursuant to this Section of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link; (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded. (7) Except in the event of a bona fide emergency, 48 hours'

notice shall be given of a meeting to be held pursuant to this Section. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of this Act. If the public body declares a bona fide emergency: (A) Notice shall be given pursuant to subsection (a) of Section 2.02 of this Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting. (B) The public body must comply with the verbatim recording requirements set forth in Section 2.06 of this Act. (8) Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings. (9) In addition to the requirements for open meetings under Section 2.06, public bodies holding open meetings under this subsection (e) must also keep a verbatim record of all their meetings in the form of an audio or video recording. Verbatim records made under this paragraph (9) shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06. (10) The public body shall bear all costs associated with compliance with this subsection (e). (Source: P.A. 100-477, eff. 9-8-17.)

4. A quorum of members of a public body must be physically present at the location of an open meeting. 5 ILCS120-2.01. A quorum of members of a public body must be physically present at the location of a closed meeting.

6. The agenda for **regular/special board** meetings may be as follows:

- 1.0 GENERAL FUNCTIONS
 - 1.1 Call to Order
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Welcome of Guests
 - 1.5 Public Comment
 - 1.6 Approval of Minutes
 - 1.7 Report - ICCTA Representative
 - 1.8 Report - Student Government Representative
 - 1.9 Report – Spoon River College Foundation
 - 1.10 Report – Board of Trustees Committees
 - 1.10.1 Committee Minutes Approval
 - 1.11 Report – Board Member Comments
- 2.0 PRESIDENT’S REPORT
 - 2.1 Communications
 - 2.1.1 Faculty Hires
 - 2.2 Business and Finance Report
 - 2.3 Institutional Planning
- 3.0 ADDITIONAL ITEMS
- 4.0 CLOSED SESSION (if applicable)
- 5.0 ADJOURNMENT

7. Meetings of the Board are not forums for debate by the general public.

8. At each regular and special meeting of the Board which is open to the public, during the Public Comment portion of the agenda, members of the public and employees of the community college district shall be afforded limited time not to exceed two (2) minutes, subject to

reasonable constraints, to address the Board, to comment to or to ask questions of the board. (110 ILCS 805/3-8)

Any member of the public or any employee addressing the Board may be asked to provide the Board with a written statement of their comments in order to accurately reflect the content of the comments in the minutes. All comments, questions, and general items addressed to the Board shall be pertinent to the business of the community college. The content of all comments, questions, and general items addressed to the Board shall be subject to the scrutiny of the Board to protect employees, students, and any person or entity doing business with the community college. The Chairperson has the discretion to stop any comments, questions, and general items addressed to the Board if such remarks do not meet the requirements set forth in this policy.

9. Any person wishing to address, comment to or ask questions of the Board and desiring more than the two (2) minute limitation in item number 8 above, is required to file a written request to do so with the President of the college at least twenty-four (24) hours prior to the meeting at which the person seeks to address the Board, setting forth with reasonable particularity the name, address and position, title or group affiliation of each person seeking to address the Board and the matter or matters to be discussed. At any meeting, the Board may impose such reasonable constraints on the comment period as shall be deemed appropriate under the circumstances. In general, however, the Board will limit any presentation by a person or group of persons presenting like comments or questions to five (5) minutes and the total time for all comments or questions at a meeting to a total of fifteen (15) minutes.
10. Where the Board holds public hearings, members of the public will be afforded a reasonable opportunity to address the Board with respect to the subject matter of the hearing as required by law, subject to reasonable constraints determined by the Board under the circumstances.
11. The Board may informally invite or allow discussion, comments or questions without formal Board action from the President, board legal counsel, staff members and others.
12. The Board shall conduct business according to the procedure for small boards outlined in Robert's Rules of Order, Newly Revised, which provides:
 - Members are not required to obtain the floor before speaking which they can do while seated.
 - There is no limit to the number of times a member can speak to a question and motions to limit or close debate generally should not be entertained.
 - Informal discussion of a subject is permitted while no motion is pending. Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of a board must be approved by vote.
 - The Chairperson need not rise while putting questions to vote.
 - The Chairperson can speak in discussion without rising or leaving the chair; and may make or second motions and vote on all questions.
13. The Chairperson shall stop any discussion that does not apply to the motion last made. He/She may also stop the discussion of a matter if the Board has previously agreed to confine discussion to a definite period of time, and that period has been used up. Aside from such limitations, the Chairperson shall not interfere with debate as long as a member wishes to speak. Discussions by Board members shall be made to the entire Board in audible voice. The

Chairperson shall ask for discussion of motions before proceeding to call the vote.

14. A motion shall be reduced to writing at the request of any member of the Board. When a motion has been made, the same may be withdrawn by the movant at any time before the vote has been taken. A new motion is out of order while another motion is being discussed unless it is an amendment to or a substitute for the motion under consideration. Exceptions are that the motion to adjourn, motion to table a previous motion, motion to refer the motion being discussed, and the motion to vote immediately (on the previous question) are always in order.
15. Minutes of all the proceedings of the Board at the previous meeting(s) shall be prepared by the secretary and mailed, or delivered, to the members at least 48 hours before the time of the next regular meeting. The minutes of the preceding meeting(s) shall be approved by the Board as the first act of the regular meeting. A copy of all motions shall be carefully recorded. The names of those who make motions, and those who vote yeas and nays shall be recorded. Minutes shall show both the original entry and the corrections. The minutes will include all resolutions, policies, and references to documents on file approved by the Board. The official minutes shall be bound and kept in the administrative offices of the College. Records of the Board shall be available to citizens for inspection at the offices of the board in accordance with legal requirements.
16. Closed Session Recordings. In accordance with the Open Meetings Act, 5 ILCS 120/2.06 (c.) The verbatim record (of a Closed Session) may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the closed session meeting that meet the written minutes requirements of subsection (a) of this Section. Closed Session Recordings that meet and/or exceed the 18 month requirement are presented to the Board for approval of destruction at the January and July Board of Trustee Meetings.
17. Closed Session Minutes Access/Approval/Review/Release. In accordance with Public Act 99-515: Review of Closed Session Minutes and Verbatim Recordings (OMA), effective June 30, 2016, elected and appointed officials have the right to access closed session minutes and verbatim recordings of the public body on which they serve. The amendment grants access to elected and appointed officials as follows:
 - In the public body's main office or official storage location.
 - In the presence of a records secretary, or an administrative official only if they were present during the closed session subject to review, or elected official of the public body; and,
 - No removal from the public body's main office or official storage location, except by vote of the public body or court order.

The Closed Session Minutes Review Committee, consisting of two trustees, will meet prior to the January and July Board Retreats in order to review Closed Session Minutes for approval, release, and unreleased action at the January and July Regular Board Meetings.

18. Any legal meeting of the Board may be adjourned to a specific time and place in accordance with the Open Meetings Act, 5 ILCS 120.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: SPECIAL APPOINTMENTS AND FUNCTIONS

An annual audit of all financial records of the community college district is required by law 805/3-22.1. The Board shall annually appoint a competent auditor to conduct such an audit. The President will complete an annual review of the audit services by the appointed firm. The President will make a recommendation to the Board at its regular April meeting to continue the firm for another year, or to make a change. The President will conduct a bidding process for audit services not more than every three years.

Appointment of Legal Counsel:

- a. Appointment of any legal counsel will be made by the Board.
- b. The President will complete an annual review of the legal services of the appointed firms. The President will make a recommendation to the Board at the June Board meeting whether to continue the firm for another year or to make a change.

POLICY TYPE: BOARD-PRESIDENT RELATIONSHIP

POLICY TITLE: PRESIDENT’S RESPONSIBILITIES

As the Board’s single official link to the College, the President’s performance will be considered synonymous with organizational performance. To accomplish this task, the President should exhibit the following competencies: (Adopted by American Association of Community Colleges)

- I. Organizational
The President strategically improves the quality of the institution, protects the long-term health of the organization, promotes the success of all students, and sustains the Mission of the College based on knowledge of the organization, its environment and future trends.
- II. Resource Management
The President equitably and ethically sustains people, processes, and information as well as physical and financial assets to fulfill the Mission, Vision, and goals of the College.
- III. Communication
The President uses clear listening, speaking and writing skills to engage in honest, open dialogue at all levels of the college and its surrounding communities, to promote the success of all students, and to sustain the Mission of Spoon River College.
- IV. Collaboration
The President develops and maintains responsive, cooperative, mutually beneficial and ethical internal and external relationships that nurture diversity, promote the success of all students, and sustains the Mission of Spoon River College.
- V. Community College Advocacy
The President understands, commits to, and advocates for the Mission, Vision and goals of Spoon River College.
- VI. Professionalism
The President works ethically to set high standards for self and others, continuously improve self and surroundings, demonstrate accountability to and for the institution, and ensure the long-term viability of the College and communities it serves.

In order to accomplish the tasks shown above, the President’s job contributions include the following areas (listed alphabetically):

1. Academic Issues (curriculum)
2. Accountability/Assessment of Student Learning
3. Athletics
4. Budget/Financial Management
5. Capital Improvement Projects
6. Community Relations
7. Crisis Management
8. Enrollment Management

9. Entrepreneurial Ventures
10. Faculty Issues
11. Fund Raising
12. Governing Board Relations
13. Government Relations
14. Media and Public Relations
15. Personnel Issues
16. Risk Management and Legal Issues
17. Strategic Planning
18. Student Life and Conduct Issues
19. Technology Planning

POLICY TYPE: BOARD-PRESIDENT RELATIONSHIP

POLICY TITLE: DELEGATION TO THE PRESIDENT

The President is accountable to the full Board. The Board will establish the broadest policies, delegating implementation and more detailed policy development to the President.

1. Only decisions of the full Board are binding on the President. Decisions or instructions of individual Board members, officers, or committees are not binding on the President, except when the Board has specifically authorized such exercise of authority.
2. All Board authority delegated to staff is delegated through the President, so that all authority and accountability of staff -- as far as the Board is concerned -- is considered to be the authority and accountability of the President.
3. The President is authorized to establish all further policies and procedures, make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the Board's policies.
4. The Board may change its' policies, thereby shifting the governance boundary between Board and President. The Board, however, will respect and support the President's actions. This does not prevent the Board from obtaining information regarding the operation of the College, except where legally restricted.

POLICY TYPE: BOARD-PRESIDENT RELATIONSHIP

POLICY TITLE: EXECUTIVE PERFORMANCE

The Board is responsible for holding the College accountable for serving current and future learning needs of the district. The Board adopts the college Strategic Plan and then monitors the progress made toward those goals. The Board also monitors adherence to their policies for programs, personnel, and fiscal and asset management. Board members receive periodic reports from staff and review reports by and for external agencies, such as accreditation, audit, and state and federal accountability reports. All monitoring processes culminate in the evaluation of the President as the institutional leader.

Monitoring executive performance may be accomplished in one or more of the following methods:

1. Internal Report.

The President may be asked to provide a report explaining how college activities are in compliance with Board policies.

2. External Report.

The Board may hire external auditors to make an assessment of executive performance against Board policies.

3. Direct Board Inspection.

The Board may authorize a single Board member or committee to directly inspect college documents.

4. Upon the choice of the Board, any policy can be monitored by any method at any time.

5. The Board will conduct an annual evaluation of the President in accordance with the employment contract between the Board and the President.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: CAMPUS FACILITY NAMING POLICY

This policy establishes the criteria to guide the process for naming facilities at Spoon River College.

- 1) Guidelines for Naming Tributes
 - a) A significant monetary contribution to the actual construction cost, if for new construction; a major portion of the replacement or major renovation cost, if for an existing building or facility; or the fundraising goal.
 - b) Specific contribution levels may be established with either fixed or minimum dollar amounts for sponsorship of other physical property on campus.
 - i) Such property may include but is not limited to pavers, benches, planters, arboretum, gardens, and outdoor plazas.
 - ii) Amounts for these naming opportunities shall be reviewed periodically by the Spoon River College Foundation and the College Board of Trustees.

2) Guidelines for Naming Based on Monetary Contributions

Facility Commemoration Opportunities	Gift Minimums and Ranges
New building	51% of cost of construction
Existing building	\$2,000,000 minimum
Classroom or laboratory	\$25,000 to \$250,000 a range of options is available
Entrance hall or lobby	\$100,000 to \$200,000 a range of options is available
Athletic facility	\$50,000 to \$500,000 a range of options is available
Conference Room	\$50,000 to \$100,000
Cafeteria or Bookstore	\$100,000 to \$250,000 several options are available

- a) This list will be reviewed for accuracy periodically.

3) Permanency of Names:

- a) When a gift from an individual or family is involved, a facility receives a designation that shall last the lifetime of the facility, subject to paragraph A) 3) d of this rule.
 - i) Demolition or significant renovation shall terminate the designation.
 - ii) The individual or family involved in the initial naming may be offered an opportunity to retain the naming before any other naming gifts are considered.
- b) When a gift from a corporation is involved, the corporation shall be given the opportunity to purchase a naming license with a name subject to approval by the Board for a designated period of time to be negotiated between the College and the donor.

- c) When a name is to be removed from an existing facility, approval shall be sought through the same procedures as are required for naming a facility.
- d) Any legal impropriety or other act which brings dishonor to the college on the part of the donor or a corporate donor who is no longer in existence shall make the gift and naming subject to reconsideration by the College.

4) Authority and Approvals

- a) Prior to approval, the College Board shall have reasonable assurance that:
 - i) The proposed name shall bring additional honor and distinction to the college.
 - ii) Any philanthropic commitments connected with the naming shall be realized.
- b) The College President, upon advice and consent from the College Board of Trustees, may require that a background check is performed on a donor (living or deceased) or designee based upon particular facts and circumstances.
 - i) The donor, donor's executor, or designee shall be required to sign an authorization allowing the background check, if a background check is determined to be necessary.
- c) The College President, in collaboration with the Spoon River College Foundation, has the right to:
 - i) Determine content, timing, location and frequency of any public announcements associated with the gift.
 - ii) Approve the color, design, and size of any physical marker that provides information about the designee or donor and/or the nature of the gift or honor.
 - iii) Determine and carry out the exact nature of any ongoing care and maintenance of any memorial or tribute gifts or their physical markers.
- d) The final authority for any naming, memorial or tribute decision rests with the President and the College Board of Trustees.
- e) The Guidelines set forth in this policy statement shall not be deemed all-inclusive. These Guidelines may be amended by the College President and College Board from time to time without notice.
- f) The College President and/or the College Board of Trustees reserve the right to consider any and all factors regarding the privilege of name association with the program, fund or physical aspect of Spoon River College as particular acts and circumstances warrant. Decisions will be made consistent with the stated mission of Spoon River College.

B) This policy is effective as of the date of publication and will supersede all prior policies relating to this matter.

Revised:

Reviewed: August 26, 2020

Approved June 24, 2015

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMMUNICATION AND COUNSEL TO THE BOARD

With respect to providing information and counsel to the Board, the President may not permit the Board to be uninformed.

Accordingly, he or she may not:

1. Let the Board be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.
2. Fail to submit the required monitoring data (see the policy on monitoring executive performance) in a timely, accurate and understandable fashion, directly addressing provisions of the Board Policies being monitored.
3. Fail to marshal for the Board as many staff and external points of view, issues and options as needed for fully informed Board choices.
4. Present information in unnecessarily complex or lengthy form.
5. Fail to provide a mechanism for official board, officer or committee communications.
6. Fail to deal with the Board as a whole except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.
7. Fail to report in a timely manner as actual or anticipated noncompliance with any policy of the Board.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: GOVERNING COLLEGE EMPLOYEES

The President may not cause or allow employment conditions that could be construed as being arbitrary or capricious.

Accordingly, he or she may not:

1. Operate without personnel procedures which clarify personnel rules for employees, provide for effective handling of grievances, and protect against improper implementation of personnel rules.
2. Discriminate against any employee member for expressing an ethical or professional dissent in an appropriate manner.
3. Prevent employees from grieving to the Board when (a) internal grievance procedures have been exhausted, and (b) the employee alleges that Board Policy has been violated to his or her detriment.
4. Fail to acquaint employees with their rights under this policy.
5. Act in any manner inconsistent with the following:
 - a. The Board reaffirms its position and holds to an unchanging philosophy of equal employment for everyone. The College has established, since its inception, a policy of recruitment, employment, advancement and upgrading, based solely on qualifications. All Spoon River College personnel actions, programs, practices, and benefits have been, and will continue to be, administered according to this policy and philosophy. The implementation of this policy includes the establishment of an Office of Equal Employment Opportunity to carry out the aforementioned policy and philosophy. A periodic review of realistic goals is an integral part of an Affirmative Action Plan and will occur to insure continuing equal opportunity for everyone in all matters pertaining to employment.
 - b. Spoon River College, an equal opportunity/affirmative action employer and educator, complies with applicable federal and state laws prohibiting discrimination, including Title VI, Title IX, Section 504, Age Discrimination Act, and Title II of the ADA. It is the policy of the College that no person, on the basis of race, color, religion, gender (sex), sexual orientation, national origin, age, disability, or veteran's status, shall be discriminated against in employment, in educational programs and activities, or in admissions.
 - c. As stipulated by the Drug-Free Workplace Act of 1988, Spoon River College prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace. Employees violating this prohibition will be subject to disciplinary action up to and including discharge. Employees must notify the Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
 - d. Harassment. Under Title VII of the Civil Rights Act of 1964, harassment on the basis of age, race, religion, sex, age, marital status, parental status, unfavorable military

discharge, source of income, national origin, physical or mental disability, veteran status, or any other reason prohibited by law that undermines the integrity of our relationship with employees and students is strictly prohibited.

Harassment is defined as conduct that has the purpose or effect of substantially interfering with an employee's job performance, a student's educational performance or creating an intimidating, hostile and/or offensive environment for either students or employees. The Human Resources Director has been designated as the official to receive complaints regarding violations of this policy where SRC employees are involved. The Dean of Student Services has been designated as the official to receive complaints regarding violations of this policy in cases where students are involved. Alternates will be designated where employees or students desire to speak to a college official of the same sex.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMPENSATION AND BENEFITS

The Board will be responsible for bargaining contracts with each recognized organized bargaining unit. With respect to employment, compensation and benefits to employees, consultants, contract workers and volunteers, the President may not cause or allow jeopardy to fiscal integrity or public image.

Accordingly, he or she may not:

1. Change his or her own compensation and benefits.
2. Promise or imply permanent or guaranteed employment.
3. Establish current compensation and benefits which:
 - a. Deviate materially from the geographic or professional market for the skills employed.
 - b. Create obligations over a longer term than revenues can be safely projected.
4. Establish or change pension benefits.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: BUDGETING

Budgeting is derived from long-term planning. Budgeting any fiscal year or the remaining part of any fiscal year shall not deviate materially from Board ends priorities, risk fiscal jeopardy, or fail to show a generally acceptable level of foresight.

Accordingly, the President may not cause or allow budgeting which:

1. Contains too little information to enable accurate projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.
2. Plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period.
3. Reduces the current assets at any time to less than twice current liabilities or allows cash to drop below a safety reserve of \$500,000 any time.
4. Provides less than an adequate amount per annum for Board prerogatives, such as costs of fiscal audit, Board development, Board and committee meetings, and Board legal fees.
5. Infringes on the Board's authority to adopt or amend an annual operating budget.
6. Includes tuition and fee revenues at rates which differ from those approved by the Board.

The budget process for the Board of Trustees is as follows:

1. Prior to the February Board of Trustees meeting, the Board will receive copies of the Board budget for review.
2. At the February Board of Trustees meeting, the Board will hold its discussion and review of the Board budget.
3. Trustees who wish to travel will complete and provide to the Board estimates of costs for each travel opportunity in the upcoming fiscal year as a part of the Board's budget process, for Board approval.
4. Approval of the Board's budget will be a part of the March Board Meeting each year.
5. Starting July 1 of each budget year, quarterly budget updates will be provided to the Board of Trustees for review.
6. Any Trustee travel expenses for ICCTA, as a representative or officer, will be included and paid from the Board travel budget line.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: BOARD TRAVEL

In accordance with the Local Government Travel Expense Account Act – Effective January 1, 2017, members of the Board shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in connection with their service as members. All Board members traveling on college business are expected to travel in as economical a manner as reasonably available to accommodate their personal and professional schedules.

- All Trustee travel will be within budgetary limitations.
- Travel advances will not be issued.
- Trustees who wish to travel will complete and provide to the Board estimates of costs for each travel opportunity in the upcoming fiscal year as a part of the Board’s budget process, for Board approval.
- When traveling, Board members will work with the President’s Office to arrange for train or air travel. The College will “direct pay” airline tickets, hotel expenses, and registration fees when sufficient notice is provided for Trustees only. Spouse/significant other travel expenses are the responsibility of the Trustee.
- Airline travel will be coach, economy class, or the lowest logical fare.
- SRC will allow for the airline fee charged for checking one bag and the airline fee for one carry-on item.
- The College will reimburse Trustees traveling on College business for meals. A maximum of \$30 (including tip) per day will be allowed for meals. When traveling to large metropolitan cities (i.e. Chicago, St. Louis, etc.) the maximum meal allowance is \$50 (including tip). Only SRC Trustee meal expenses are eligible for reimbursement.
- Lodging will be reimbursed for the actual cost of the room and taxes. The actual cost of accommodations will not be in excess of the rates provided at the hotels in the information provided for the conference, convention, meeting, etc.
- Original receipts are required for reimbursement for college-related expenses. The purchase of alcoholic beverages will not be reimbursed.
- Reimbursement for mileage for use of a personal vehicle for College business will be at the most recently established IRS rate.
- Parking and toll charges will be reimbursed with documentation.
- Parking tickets and other traffic violations will not be reimbursed.
- Upon completion of travel, no more than 30 days from the date of travel, and after the Board has reviewed and approved the expenses, Board members shall forward the original receipts to the President’s Office for completion of the appropriate reimbursement forms. Requests for reimbursement submitted 31 days or longer after travel will not be reimbursed.

- Expenses submitted for reimbursement must be approved by a roll call vote during an open meeting of the Board of Trustees.

Revised:

Reviewed: August 26, 2020

Board Approved: July 26, 2017

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: FINANCIAL CONDITION

With respect to the actual, ongoing condition of the organization's financial health, the President may not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from Board priorities established in ends policies.

Accordingly, he or she may not:

1. Expend more funds than have been authorized in the fiscal year.
2. Indebt the organization in an amount greater than can be repaid by certain, otherwise unencumbered revenues within 180 days.
3. Use any long-term reserves.
4. Conduct inter-fund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain, otherwise unencumbered revenues within 60-90 days.
5. Allow cash to drop below the amount needed to settle payroll and debts in a timely manner.
6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: INVESTMENTS

In order to achieve the goals set out by the Board, the President with the Treasurer will direct the investment of resources of the College. Investments at any time will not deviate materially from board end priorities, unduly jeopardize the security of the College resources, or provide unrealistically low returns.

The President and the Treasurer have the management responsibility to insure that a system of internal controls and written operational procedures exist that are designed to prevent loss of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the College.

Accordingly, the President and Treasurer may not cause or allow investments which:

1. Are not in compliance with the Public Funds Investment Act 30 ILCS 235. The Illinois State Statutes will take precedence except where this Policy is more restrictive wherein this Policy will take precedence.
2. Do not remain sufficiently liquid to meet all operating requirements, which might be reasonably anticipated.
3. Do not seek to attain a market average or better rate of return throughout budgetary and economic cycles, taking into account risk, constraints, cash flow, and legal restrictions on investments.
4. Do not provide security of monies, whether on hand or invested.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ASSET PROTECTION

The President may not allow assets to be unprotected, inadequately maintained nor unnecessarily risked.

Accordingly, he or she may not:

1. Fail to insure against theft and casualty losses to at least 80-percent replacement value and against liability losses to Board members, staff or the organization itself in an amount greater than the average for comparable organizations.
2. Allow unbonded personnel access to material amounts of funds.
3. Allow plant and equipment to be subjected to improper wear and tear or insufficient maintenance.
4. Unnecessarily expose the organization, its board or staff to claims of liability.
5. Make any purchase or commit the organization to any expenditure of greater than \$25,000 without prior board authorization.
6. Make any purchase inconsistent with Illinois Public Community College Act 110 ILCS 805/3-27.1.
7. Receive, process or disburse funds under controls which violate board-appointed auditor's standards.
8. Invest or hold operating capital not consistent with Public Statute.
9. Acquire, lease, encumber or dispose of real property.
10. Spend federal appropriated funds for influencing or attempting to influence an officer or employee or any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ASSET CAPITALIZATION AND DEPRECIATION

In accordance with the Illinois Community College Board recommendations, the Board shall respect the following parameters for capitalization and depreciation:

- Minimum Value of asset for capitalization - \$5,000
- Minimum Value of remodeling for capitalization - \$100,000
- Depreciation method – Straight-line
- Disposal of property with value of \$25,000 or more requires Board approval.

Useful Lives:

- Building – 40 years
- Building Remodeling – 10 years
- Land Improvements – 10 years
- Equipment – 5 years
- Technology related software and hardware – 3 years
- Vehicles – 4 years

Capitalizing Assets in the Aggregate – The College will capitalize assets whose individual acquisition costs are less than the capitalization threshold for an individual asset, but where the aggregate cost of such identical or similar items exceeds \$5,000 at the time of purchase. Assets meeting these criteria will be capitalized in the aggregate for accounting purposes and depreciated using the straight-line method over the useful life based on their classification.

Leases – Intangible ‘right-of-use’ lease assets are recorded at cost based on the present value of expected payments over the term of the respective lease term (less any lease incentives) plus any payments made to the lessor at or before the commencement of the lease term and certain direct costs that are ancillary charges necessary to place the lease asset into service. The College will capitalize lease assets (and liabilities) with an initial measurement equal to or greater than \$5,000. The College will amortize capitalized lease assets using the straight-line method over the shorter of the lease term or the useful life of the underlying asset based on the classification above. A short-term lease is defined as a lease that, at the commencement of the lease term, has a maximum possible term under the lease contract of 12 months (or less), including any options to extend, regardless of their probability of being exercised. The College will recognize short-term and non-capitalized leases as outflows of resources or inflows of resources, respectively, based on the payment provisions of the lease contract.

Subscription-Based Information Technology Arrangements (SBITA) – Intangible ‘right of-use’ subscription assets are recorded at cost based on the present value of expected payments over the term of the respective subscription plus any payments made to the SBITA vendor before commencement of the subscription term and capitalizable implementation costs, less any incentives received from the SBITA vendor at or before the commencement of the subscription term. The College will capitalize subscription assets (and liabilities) with an initial measurement equal to or greater than \$12,000. The College will recognize amortization of capitalized subscription assets as an outflow of resources over the subscription term. Short-term SBITAs have a maximum possible term under the SBITA contract of 12 months (or less), including any options to extend, regardless of their probability of being exercised. Subscription payments for short-term and non-capitalized SBITAs will be recognized as outflows of resources.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: EMERGENCY EXECUTIVE SUCCESSION

In order to protect the Board from sudden loss of chief executive services, the President may not have fewer than two other executives familiar with board and president issues and processes.

If the President is out of the SRC district for a period of more than 24 consecutive hours, the President will designate a senior administrator who will be given the authority to take action and/or make decisions on behalf of the President.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: BUSINESS ENTERPRISE PLAN

Spoon River College recognizes the importance of increasing the participation of businesses owned by minorities, females, and persons with disabilities¹ in public contracts in an effort to overcome the discrimination and victimization such firms have historically encountered.² It is the Spoon River College Board of Trustees' policy to promote the economic development of businesses owned by minorities, females, and persons with disabilities by setting aspirational goals to award contracts to businesses owned by minorities, females, and persons with disabilities for certain services as provided by the Business Enterprise for Minorities, Females and Persons with Disabilities Act, 30 ILCS 575/0.01 *et seq.* (the "Act") and the Business Enterprise Council for Minorities, Females, and Persons with Disabilities (the "Council").³

In support of this policy, the Spoon River College will encourage the participation of qualified minority, female, and persons with disability owned businesses by advertising, whenever possible, with trade associations, service organizations, minority newspapers, and other appropriate media and other organizations focused on the needs of businesses owned by minorities, females, and persons with disabilities to alert potential contractors and suppliers of opportunities. The College will support key administrative and staff members to attend and participate in training sessions, workshops, conferences, and seminars dealing with procurement through qualified minority, female, and persons with disability-owned businesses in compliance with the Act.

In furtherance of the above:

1. The College President⁴ shall appoint a liaison to the Council;
2. The College Liaison shall file an annual compliance plan with the Council, which shall include a copy of this Policy, signed by the College President, which shall outline and summarize the College's goals for contracting with businesses owned by minorities, females, and persons with disabilities for the current fiscal year, the manner in which the College intends to reach these goals, a timetable to reach these goals, and procedures to support this Policy as specified by the Act⁵;
3. The College Liaison shall file an annual report with the Council⁶;
4. The College Liaison shall provide notice to the Council of proposed contracts for professional and artistic services⁷;
5. The College shall use bid forms identifying the bidder's percentage or disadvantaged business utilization plans; and percentage of business enterprise program utilization plan⁸; and
6. The College shall comply with all other requirements of the Act.

Revised:

Reviewed: August 26, 2020

Board Approved: August 24, 2016

1 As defined in 30 ILCS 575/2.

2 See 30 ILCS 575/1.

3 This Council was created to implement, monitor, and enforce the goals of the Act. See 30 ILCS 575/5.

4 *Id.*

5 30 ILCS 575/6-(a).

6 30 ILCS 575/6(c).

7 30 ILCS 575/6a.

8 30 ILCS 575/7(5).

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ALCOHOL

The Illinois Liquor Control Act amendment (P.A. 99-0550) allows community colleges to serve alcohol in buildings under their control for public events that are not student-related events.

The College can only sell and deliver alcohol at events the Board determines are public events that are non student-related events. The College must obtain a liquor license from the local municipality where the facilities are located (or from the county where the facility is in an unincorporated area) and from the State of Illinois before liquor can be sold at retail.

Revised:

Reviewed: August 26, 2020

Board Approved: July 26, 2017