



# SAINT SAVA

SERBIAN ORTHODOX SCHOOL OF THEOLOGY  
LIBERTYVILLE, ILLINOIS

## EXCERPT

### **Article 11: Sexual Misconduct Policy**

11.1. Sexual Misconduct is strictly prohibited at St. Sava Serbian Orthodox School of Theology ("the School"). The School is committed to providing a learning and campus environment free from all forms of sexual misconduct. The School accordingly prohibits conduct which constitutes sexual harassment, sexual assault and violence, dating violence, domestic violence, and stalking as those terms are defined below. This sexual misconduct policy is adopted by The School in compliance with Title IX, the Clery Act, and other applicable laws.

11.2. Title IX Coordinator: The School has designated the Pro Dean as its Title IX Coordinator to oversee complaints brought forward under this policy.

11.3. Reporting Incidents of Sexual Misconduct: Individuals are encouraged to report alleged incidents of sexual misconduct immediately, whether they are a victim or observer of an incident, in order to maximize the School's ability to respond promptly and effectively by taking steps to end the behavior, prevent its recurrence, and address its effect. Incidents can be reported to the Pro Dean.

11.4. Sexual Misconduct Definitions:

11.4.1. Sexual Harassment: For purposes of this policy, sexual harassment may include any unwelcome sexual advances, requests for sexual favors or other unwelcome visual, physical, verbal or written conduct of a sexual nature. Sexual harassment may be found in a single episode as well as in persistent behavior. Sexual harassment includes, but is not limited to, unwelcome sexual conduct when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or participation in the School programs or activities, or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions pertaining to an individual's education or participation in The School programs or activities; or
- Such conduct has the purpose or effect of interfering with an individual's educational performance; or creating an intimidating, hostile or offensive learning environment; or interfering with one's ability to participate in or benefit from an educational program or activity.

11.4.2. Sexual Violence: Sexual violence is a form of sexual harassment and it includes rape, sexual assault, sexual battery, and sexual coercion. Sexual coercion is the act of using pressure or force to have sexual contact with someone who has already refused.



# SAINT SAVA

SERBIAN ORTHODOX SCHOOL OF THEOLOGY  
LIBERTYVILLE, ILLINOIS

11.4.3. Sexual Assault: Sexual assault is also a form of sexual harassment, and it includes any type of sexual activity perpetrated against a person's will, where that person does not give clear and voluntary consent or where the person is incapable of giving consent due to drug or alcohol use or due to intellectual or other disabilities.

11.4.4. Dating Violence: Dating violence is violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

11.4.5. Domestic Violence: 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, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Illinois.

11.4.6. Stalking: The term "stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress.

11.4.7. Consent: Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct.

11.5. Privacy: All reports of sexual misconduct will be handled confidentially to the extent allowed by law. The information reported will only be shared with School employees who will be assisting in the investigation and/or resolution of the complaint. The School's ability to make a meaningful investigation and take corrective action may be limited if an individual insists on complete confidentiality. Further, if a report of sexual misconduct discloses an immediate threat to the School community, where timely notice must be given to protect the health or safety of the community, the School may not be able to maintain the same level of confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that included the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to students, faculty, staff, or visitors. Incidents may be reported to the Pro Dean.



# SAINT SAVA

SERBIAN ORTHODOX SCHOOL OF THEOLOGY  
LIBERTYVILLE, ILLINOIS

Mental health counselors are bound to professional standards regarding confidentiality, and will not reveal the identity of victims, unless there is an imminent safety concern or as otherwise required by law.

11.6. Retaliation Prohibited: It is a violation of this policy and applicable laws to retaliate against any individual who brings a complaint under this policy or who cooperates with or otherwise participates in the investigation or resolution of a complaint under this policy. The School will take steps to prevent retaliation and will also take strong responsive action if the School determines that retaliation has occurred.

11.7. Resources and Support: The School offers non-judgmental and confidential support through the Pro Dean to any party involved in a sexual misconduct incident.

11.8. Responding to Complaints of Sexual Misconduct: Complaints of sexual misconduct will be handled pursuant to the disciplinary process of the Teaching-Academic (Faculty) Council. The disciplinary process is not subject to formal rules of court or evidence. For the disciplinary process, a student is not “found guilty” based on proving a case “beyond a reasonable doubt” as in criminal law but can be “held responsible” for an alleged violation of the sexual misconduct policy that is “more likely than not” to have occurred.

11.9. Interim Protections: In addition to the disciplinary process and sanctions of the Teaching-Academic Council, the Title IX Coordinator may, at any time during the investigation or the processing of a complaint of sexual misconduct, recommend interim protections or remedies be provided by the School. These protections and remedies may include (but are not limited to) separating the parties, placing limitations on contact between the parties, or making alternative workplace, housing, extracurricular, or academic arrangements where reasonable and feasible. Failure to comply with the terms of interim protections may be considered a separate violation of this policy.