

INVESTIGATION AND RESOLUTION PROCEDURES FOR ALLEGATIONS OF SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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INVESTIGATION AND RESOLUTION PROCEDURES FOR ALLEGATIONS OF SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

These Investigation and Resolution Procedures (“Procedures”) are in place for all alleged violations of this Policy against Sex Discrimination, including complaints involving students and those involving a faculty or staff member, or any other individual such as contractors, visitors or guests of the University. If there is a conflict between the Procedures and the contractual rights of a faculty member or employee, the University will apply or modify these Procedures in a manner that comports with any such contractual rights.

The University has established within the Student Life Handbook, policies against Sex Discrimination, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking (“Policy”) that articulates the University's set of behavioral standards, explanations of definitions and key concepts, and descriptions of prohibited conduct. The Policy (set forth above) and these Investigation and Resolution Procedures also outline the University’s approach to addressing alleged or suspected violations of the Policy, taking into account the University's status as a private institution of higher education and its unique mission and culture. Because the University's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach is educational, rather than legal or judicial. As a result, the University retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with the various anti-discrimination laws that apply to its programs.

The University is committed to the prompt and equitable resolution of all alleged or suspected violations of the Policy about which the University knows or reasonably should know, regardless of whether a complaint alleging a violation of the Policy has been filed and regardless of where the conduct at issue occurred. In resolving a particular matter, the University may use some or all of the following processes: Initial Assessment, Voluntary Resolution, Investigation (a formal process leading to a finding), and Sanctioning. Regardless of the specific processes employed, the University will complete its Resolution Procedures (excluding any appeals) within 60 calendar days unless the University determines in its discretion that more time is required, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period.

The University's ability to investigate in a particular situation, or the extent of the Investigation in any given situation, may be affected by any number of factors, including whether the report is anonymous, the Reporting Party is willing to file a report or to consent to an Investigation, the Reporting Party’s request for confidentiality, the location where the alleged conduct occurred, and the University's access to information relevant to the alleged or suspected violation of the Policy. The University is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances. In instances where the Reporting Party is unwilling or unable to file a report and participate in an Investigation and

Resolution process, the University may elect to proceed and to seek resolution of the matter in accordance with the Investigation and Resolution Procedures described below or other process that resolves the complaint in a manner consistent with applicable law and relevant Office of Civil Rights (OCR) or other relevant government guidance. Similarly, the University may also proceed to seek resolution of the alleged or suspected Policy violation in cases in which the Responding Party does not wish to participate in the Investigation and Resolution process. In these cases, the University will serve as the Reporting Party in the procedures described below.

These Procedures apply to all suspected or alleged violations of the Policy and will be used in place of any Student Conduct Code or Conduct Council or Faculty or Employee Handbook policies or procedures used to address other alleged misconduct. In addition, the University may at any time, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

A. Confidentiality

An individual may choose to disclose information concerning sex discrimination, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking to a faculty or staff member. Individuals should understand, however, that all Olivet employees, except the Confidential Reporting resources identified below, are required to report to the Title IX Coordinator or any Title IX Committee member when they receive a report of sex discrimination, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking, so that the University can respond appropriately. Resident Directors and Assistant Residential Directors are also considered University representatives with a duty to report.

If an individual requests confidentiality when reporting these incidents, the Lead Title IX Coordinator will evaluate that request in light of the University's obligations under federal and state law and relevant government or regulatory guidance. Information pertaining to such incidents will be treated with sensitivity and disseminated with care when it is necessary to do so for purposes of conducting an Investigation or taking appropriate corrective action. The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, to the extent permissible by law.

B. Reporting

1. Campus Reporting

The University encourages individuals to disclose as soon as practically possible, but there is no time limit on reporting incidents of sex discrimination including sexual harassment, sexual assault, domestic violence, dating violence or stalking. The University will undertake an investigation of past events, but it cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Olivet community (e.g., a student who has graduated or an individual who is no

longer in the employ of the University).

All University employees, except those identified in the Confidential Reporting section below, are obligated to share with the Title IX Coordinator or a Title IX Committee member any alleged violation of this Policy of which they become aware unless they are expressly prohibited by law from disclosing such information. At Olivet, staff counselors, advocates, and medical personnel at the Counseling and Health Services Center are not required to disclose the information to a Title IX Coordinator or a Title IX Committee member as they have professional obligations to maintain the confidentiality of their clients. Anyone who feels that they have been the victim of sex discrimination, including sexual harassment, sexual assault, domestic violence, dating violence or stalking, as defined in the Policy is encouraged to bring it to the attention of the Title IX Coordinator or Public Safety for assistance. The Title IX Coordinator is responsible for the prompt and impartial review, investigation and adjudication of all reports of violations of the Policy, along with the provision of interim measures and remedies to support all individuals involved and to treat them with dignity and care. The Title IX Coordinator is empowered to provide interim measures and remedies to support all individuals involved in these situations and to protect the safety of the campus community through these measures. These responsibilities include addressing off-campus conduct that affects members of the Olivet community as well as on-campus conduct.

Title IX Committee

Any inquiries regarding Title IX or the University's Policy Against Discrimination, Harassment and Retaliation should be directed to the Title IX Coordinator identified below or to any other member of the University's Title IX Committee.

Tom Ascher – Title IX Coordinator
Director of Benefits and Compensation
Olivet Nazarene University
One University Avenue
Bourbonnais, IL 60914
Phone 815-928-5473
Fax 815-928-5781
tascher@olivet.edu

The Title IX Coordinator is responsible for implementing and monitoring Title IX compliance on behalf of Olivet Nazarene University. This includes coordination of training, education, communications and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy.

Title IX Committee Members:

David Pickering – EVP for Administration and Human Resources 815-939-5161
Tom Ascher – Director of Benefits and Compensation 815-928-5473

Dale Newsome – Director of Public Safety 815-928-5622
Gary Newsome – Athletic Director 815-939-5120
Lisa Vander Veer – Director of Wellness and Career Services 815-939-5143
Phil Steward – Dean of Residential Life 815-939-5060
Stacey Hutton – Director of SGCS Student Success 815-928-5527
Alyssa Bass – Director of Student Employment 815-928-5508
Freddy Tung – Staff Psychologist and Training Director 815-928-5786

University Services to Sexual Assault Victims

The ONU Department of Public Safety, in collaboration with the University Title IX Coordinator, offers provision of the following services to victims of sexual assault:

- Assurance of confidentiality regarding reporting and associated choices and investigation
- Private meeting for report submission/guidance referrals at a time and place as determined by the victim
- Assistance with notice of the assault to individual(s) designated by the victim, if the victim chooses to give this type of notice
- Assistance with reporting the assault to law enforcement, if the victim chooses to report the crime
- Assistance and/or referral in arranging for medical services
- Referral to local counselor and resource services
- Assistance in arranging alternative housing accommodations within 24 hours of receipt of report
- Assistance in arranging alternative academic class schedule within 24 hours of receipt of report

The Department of Public Safety and the Office of Student Development treat all victims with respect, state rights and legal options clearly, and cooperate fully with them in exercising those rights. The victim of a crime has the right to have the offense investigated by criminal and civil authorities. Victims of sexual assault have the right to full and prompt cooperation and assistance in obtaining evidence that is necessary for proof of criminal sexual assault, including a medical examination, the right to freedom from pressure by campus authorities to report crimes as lesser offenses, and the right to be made fully aware of and assisted in exercising state or federal legal rights to test sexual assault suspects for communicable diseases.

2. Off-Campus Reporting

The University encourages all individuals who feel they have been victims of sexual assault, domestic violence, or dating violence to seek immediate assistance from a

medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Hospital personnel will treat the physical consequences of assault (injury, infection, disease and pregnancy). Hospitals can also collect evidence that will be needed in the event the victim decides to report the crime to law enforcement. Hospitals are required to inform local law enforcement agencies of sexual assault cases; however, the victim may choose whether or not to speak with police personnel, University Counseling Services or to Department of Public Safety personnel. In the event a victim of sexual assault does not have the financial means (healthcare insurance, self-pay, etc.) to pay for medical treatment resulting from the assault, upon request, local hospitals do have resources that can grant funding to pay for expenses related to sexual assault, including medical procedures, exams, prescriptions and other medications.

Local medical assistance can be obtained at:

Riverside Medical Center

350 N. Wall St., Kankakee, IL 60901

815-933-1671

Website: <https://www.riversidehealthcare.org/>

Presence St. Mary's Hospital, Kankakee

500 W. Court St., Kankakee, IL 60901

815-937-2400

Website: <http://www.presencehealth.org/presence-st-marys-hospital-kankakee>

Although it is not required and is left entirely to the discretion of the victim, the ONU Department of Public Safety encourages reporting sexual assault to the police. Reporting a sexual assault to the police may seem intimidating, but there is no need to be afraid. Police officers are specially trained to handle such situations with sensitivity and compassion, and victims can feel free to bring a friend or advocate accompanying a police interview regarding the assault. Properly reporting assault crimes can assist the victim in regaining a sense of personal power and control over the situation.

■ For sexual assault that occurs on ONU properties, contact should be made with the ONU Department of Public Safety at 815-939-5265, or by calling the Bourbonnais Police Department at 911 (for emergencies) or the non-emergency number at 815-937-3577.

■ For off-campus incidents, victims may also feel free to contact the ONU Department of Public Safety as noted above, or the local police department for the city in which the incident occurred.

Local Law Enforcement Agency:

Bourbonnais Police Department

700 Main Street NW, Bourbonnais, IL 60914

Emergency: 911

Non-Emergency: 815-937-3577

Email: police@villageofbourbonnais.com

Website: <http://www.villageofbourbonnais.com/village-services/police>

In addition to having the option of pursuing a criminal complaint, individuals also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders see:

www.illinoisattorneygeneral.gov/women/victims.html

www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7163#

www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7152#

The Title IX Coordinator and the Olivet Nazarene University Department of Public Safety will assist individuals with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request, and with accessing and navigating all appropriate resources and support, including on and off-campus health and mental health services, counseling, advocacy services, and confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the University's investigation, but the University will commence or resume its own investigation as soon as is practicable under the circumstances. The University reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Individuals who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. Olivet's authority to sanction members of the University community applies only to the violation of University rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. The University's Title IX Coordinator and the Olivet Nazarene University Department of Public Safety are available to assist students with any reports they might wish to make to law enforcement authorities.

Preserving Evidence

Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if he or she chooses not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual not shower, bathe, douche, smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, he/she can bring them unwashed to the hospital or medical facility in a paper bag.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Victims can obtain a free forensic medical examination at:

Presence St. Mary's Hospital, Kankakee

500 W. Court St., Kankakee, IL 60901

815-937-2400

Website: <http://www.presencehealth.org/presence-st-marys-hospital-kankakee>

Presence St. Mary's Sexual Assault Nurse Examiner (SANE) Program:

Presence St. Mary's Hospital is the only facility in Kankakee and Iroquois County that has a Sexual Assault Nurse Examiner (SANE) Program. They staff 3 certified SANEs that work in the Emergency Department. A SANE practitioner has received extensive specialized training in forensic evidence collection, sexual assault trauma response, forensic techniques using specialized equipment, expert witness testimony, assessment of injuries, STD treatment and pregnancy evaluation and treatment. They are trained to meticulously document injuries and physical evidence and provide crisis intervention and emotional support for the victims of sexual assault.

SANE Informational Website: <http://www.kc-casa.org/get-info-2/sane/>

Riverside Medical Center

350 N. Wall St., Kankakee, IL 60901

815-933-1671

Website: <https://www.riversidehealthcare.org/>

Individuals who have experienced sexual misconduct are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents.

3. Confidential Reporting

The University recognizes that individuals who feel they have been victims of sexual assault, domestic violence, dating violence or stalking may require time and support in considering whether or how to participate in any University or law enforcement process. There are confidential resources on campus and in the community available to individuals as they make these decisions. These resources generally only report to the University the fact that an incident occurred without revealing any personally identifying information. Disclosures to these entities will not trigger a University investigation into an incident. These resources include:

a. Confidential Resources on Campus

ONU Center for Counseling and Health Services: 815-939-5256

Staff counselors and medical personnel at the Center for Counseling and Health Services can provide emotional and medical support in a safe and confidential space. They are not required to disclose identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help parties think through their options for filing a formal report. In addition, a Staff Counselor is available to meet with students and provide support and information about the University's Policy and Procedures in a confidential setting. The counseling services are voluntary and used without charge. A professional code of ethics is observed.

b. Confidential Resources in the Community

Harbor House – Kankakee County

Harbor House offers free and confidential comprehensive services to victims of domestic violence and their children: 24 Hour Crisis Hotline, Crisis Intervention, Emergency Shelter, Individual & Group Counseling, Support Groups, Court Advocacy, Information & Referrals, System Advocacy (law enforcement, judicial, human services, etc.), Transitional Housing

Harbor House offers Community Education on issues relevant to Domestic Violence. Harbor House's primary goal is to provide a safe environment in which to educate victims and enable them to break their personal cycle of violence safely.

Address: PO Box 1824, Kankakee IL, 60901

24-Hour Local Crisis Line: 815-932-5800

Office: 815-935-5814

Email: harbor@harborhousedv.org

www.harborhousedv.org/index.html

Kankakee County Center Against Sexual Assault (KC-CASA)

KCCASA provides free and confidential support to survivors of sexual violence. Services include a 24-hour hotline and in-person response to local emergency rooms and police stations, assistance throughout the medical and criminal justice process, as well as psychological support through counseling. KCCASA also works to educate and partner with the community to improve response to survivors while working toward the prevention of sexual assault.

24-Hour Crisis Line: 815-932-3322

Office: 815-932-7273

<http://www.kc-casa.org/>

1440 West Court Street

Kankakee, IL 60901

c. Amnesty Policy

The University recognizes that an individual who has violated curfew policy, has been drinking or using drugs at the time of an incident of sexual assault, domestic violence, dating violence or stalking may be hesitant to make a report because of potential disciplinary consequences. To encourage reporting, the University has determined that an individual who reports these incidents will not be subject to disciplinary action by the University for violating curfew policy or personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not/do not endanger the health or well-being of any other individual. The University may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

d. Silent Witness Form

The University also has an online mechanism for individuals who believe that they have been subjected to sexual assault, domestic violence, dating violence or stalking to make an anonymous report: [Silent Witness Form](#). These reports will be sent to the Title IX Coordinator who will make every effort to respond or take other corrective action, but the University's ability to respond or take corrective action following an anonymous report may be limited. This reporting mechanism is not a substitute for the obligation of all University employees, except for the Confidential Reporting resources identified, to make a report as described above.

4. Requesting Confidentiality: How Olivet Will Weigh the Request and Respond

The University has designated the Title IX Coordinator to evaluate requests for confidentiality or that no formal action be taken and oversee the University's response to reports of alleged sexual assault, domestic violence, dating violence or stalking involving Olivet Nazarene University students. If Olivet honors a Reporting Party's request for confidentiality or request that no investigation or resolution be pursued, the University's ability to investigate the incident comprehensively or pursue disciplinary action against the alleged Reporting Party(s) may potentially be limited. If a Reporting Party discloses an incident, but requests confidentiality or is unwilling to participate in any investigation or adjudication process, the Title IX Coordinator, in consultation with other University administrators, which may include representatives of the Office of the Dean of Students, the Public Safety Department, and the University's Title IX Committee, will weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party. When weighing a Reporting Party's request for confidentiality or that no investigation or resolution be pursued, the Title IX Coordinator will consider a range of factors, which may include but are not limited to, whether:

- The alleged Responding Party is likely to commit additional acts of sexual or other violence, such as:
 - Whether there have been other sexual violence complaints about the same alleged Responding Party;
 - Whether the alleged Responding Party has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged Responding Party threatened further sexual violence or other violence against the Reporting Party or others;
 - Whether the sexual violence was committed by multiple perpetrators;
- The sexual violence was perpetrated with a weapon;
- The Reporting Party is a minor;
- The University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- The Reporting Party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue action against the Responding Party even if the Reporting Party requests otherwise. If none of these factors are present, the University is more likely to respect the Reporting Party's request. If the Title IX Coordinator determines that the University cannot maintain a Reporting Party's confidentiality, the Title IX Coordinator will inform the Reporting Party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response. In all interviews and meetings held in connection with these Investigation and Resolution procedures, the College will protect the privacy of the

participating parties and witnesses as required by FERPA and other applicable law.

C. Initial Assessment | Interim Measures and Remedies

Whatever the source, the University will make every effort to bring reports as quickly as possible to the Title IX Coordinator for preliminary assessment. The primary goal of the University's response at this stage is to assist and support the complainant/victim/survivor (referred to as the Reporting Party), regardless of whether the Reporting Party chooses to report the incident to law enforcement. The Initial Assessment will also determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted.

Upon receiving a report or complaint alleging a violation of sexual harassment, sexual assault, domestic violence, dating violence, or stalking, the Title IX Coordinator or his/her designee will provide the Reporting Party a written statement with concise information of his/her rights and options under the University's Procedures. Upon receipt of a report, the Title IX Coordinator and/or designee will also implement any appropriate Interim Measures and Remedies to protect the safety of the parties and the campus community and will seek to provide Interim Measures and Remedies for the parties that address their safety and well-being. Such measures and remedies may be requested by or provided to either party and may include but are not limited to counseling services, obtaining and enforcing campus orders of protection or no contact, honoring an order of protection or no contact order entered by a state civil or criminal court, and the provision of escorts and residence modifications, along with academic and campus work accommodations. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the interim measures. As required under the Clery Act and state law, the University will (a) provide Reporting Parties with information about their options for, and available assistance in, changing academic, living, dining, transportation, and working situations if requested and reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or to local law enforcement; and

(b) facilitate changes in the Reporting Party's dining, transportation and working situations, in addition to academic and living situations, if requested and reasonably available.

Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the College to provide the interim measures.

1. Initial Assessment

The first step of the Initial Assessment will typically be a meeting between the Reporting Party and the Title IX Coordinator and/or designee. This meeting will allow the Title IX Coordinator and/or designee to:

- Assess the nature and circumstances of the allegation.
- Address any immediate concerns about the physical safety and emotional well-being of the parties.
- Notify the Reporting Party of the option to notify law enforcement and be assisted in doing so, as well as the option not to notify law enforcement.

- Provide the Reporting party with information about the range of available on and off campus resources and services, including confidential resources and services, and assist them in accessing these resources.
- Describe the range of Interim Measures and Remedies for security and support, including orders of no contact, changes in living arrangements, campus employment, course adjustments and other forms of academic support. In addition, the University may, at its discretion, impose an interim suspension or leave of absence on the Responding Party in cases where the University believes there is risk of harm to others. Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on the Reporting Party to the extent possible.
- Discuss fully the options afforded to the Reporting Party, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party they accompany), the Investigation and Resolution process, and the need to preserve any relevant evidence or documentation in the case. All parties will be informed that the University prohibits any retaliation against parties who have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy.
- Assess whether there is a need for a timely warning or emergency notification under federal law.

At this time, a written complaint or statement may be submitted by the Reporting Party, but a written complaint or statement is not necessary; information provided by the Reporting Party in any form will be considered in resolving allegations reported to the University.

If the Reporting Party at any time requests that their identity remain confidential or that no formal action be taken, the University will balance this request along with its responsibility to take steps to foster an educational environment that is free of discrimination and harassment for all members of the campus community. Among the factors to be considered are the seriousness of the alleged misconduct and the risk to the community's safety, whether the alleged incident is isolated or part of a pattern of misconduct, and the Responding Party's rights for notification under federal and state law. If the Title IX Coordinator determines that it cannot honor the request for confidentiality, the University cannot abide by the Reporting Party's requests, it will inform that party prior to initiating any investigation and will, to the extent possible, only share information with those responsible for handling the University's response.

As soon as practicable after the initial meeting with the Reporting Party, the accused party (referred to as the Responding Party) will also be notified that a report or complaint alleging a violation of University Policy has been made unless the University

determines that notifying the Responding Party is not necessary or appropriate under the circumstances. When notified of the report or complaint, the Responding Party will also receive parallel discussion of the options afforded to them, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor, provided that the involvement of the advisor does not result in undue delay of the meeting), the Investigation and Resolution process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies. The Responding Party will also be provided with a written explanation of these rights.

The Responding Party may elect to accept responsibility for all or part of the conduct alleged by the Reporting Party at this stage or at any later stage throughout the process. In that case, the Title IX Coordinator and/or their designee may initiate an Investigation for the purposes of providing additional information that may be relevant to the University official charged with determining appropriate sanctions. If the Responding Party does not accept responsibility, the Investigation will proceed as described below. In addition, if the Responding Party withdraws a prior acceptance of responsibility, the process will continue as described below.

2. Interim Measures and Remedies

Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above and coordinate with both parties on the provision and implementation of these measures.

D. Option for Voluntary Resolution

The Voluntary Resolution process produces an agreement designed to cease the conduct at issue and remedy its effects on the safety and welfare of the Reporting Party and the campus community, all the while respecting the preferences of the Reporting Party. Voluntary Resolution is only appropriate if the Reporting Party requests it and if the Title IX Coordinator determines through the Initial Assessment or at a later stage that the Voluntary Resolution is permissible and appropriate. It is not appropriate for all forms of conduct covered under the Policy. Allegations of sexual assault, domestic violence, dating violence and/or stalking involving physical contact may not be resolved using a Voluntary Resolution. However, other alleged violations of the Policy, including some allegations of sexual harassment, may be resolved using a Voluntary Resolution process overseen by the Title IX Coordinator in conjunction with one or more University representatives if the University determines, in its discretion, that such a process would be appropriate and all parties agree to participate. In some forms of Voluntary Resolution, the process will involve only remedies that support the Reporting Party. Other forms of Voluntary Resolution allow the Responding Party to accept responsibility for the misconduct and for appropriate remedies and other corrective actions to

be imposed. In addition, either party can request at any time that the Voluntary Resolution process cease and the Investigation and Resolution process begin (or resume if it has already begun).

A summary of the Initial Assessment by the Title IX Coordinator will be shared with both parties to help inform the process of Voluntary Resolution. The parties to any such voluntary process will not be required to deal directly with one another without the University's involvement. The Title IX Coordinator can also arrange for any current member of the University Title IX Committee to be asked to assist with the voluntary process by meeting with both parties separately or together. The Title IX Coordinator or other University official will discuss with both parties the range of potential actions and resolutions. If both parties agree on a set of actions and resolutions, the Voluntary Resolution will be documented and both parties will be notified simultaneously/contemporaneously (to the greatest extent possible) in writing of the Voluntary Resolution.

E. Investigation and Resolution

1. Investigation

The University is committed to undertaking prompt, thorough, impartial and fair investigations, and to treating all individuals with respect and sensitivity. If Voluntary Resolution is not appropriate or requested by the Reporting Party, the Title IX Coordinator will continue the Investigation process by appointing one or more internal or external investigators who have been trained in the investigation of, and other issues related to, sexual assault, domestic violence, dating violence and stalking. The Title IX Coordinator will choose investigators that do not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and who receive at least annual training on issues related to sexual assault, domestic violence, dating violence, and stalking. These investigators will undertake an Investigation for the purposes of adjudicating whether the Responding Party is responsible for the alleged violation(s) of the Policy. As noted above, the University will complete the process of responding to any suspected or alleged violation of the Policy and arrive at a resolution (excluding any appeals) within 60 calendar days of the filing of a report or the date on which the University becomes aware of a suspected or alleged violation of the Policy unless the University determines that additional time is required. The University will provide the parties with periodic updates as it deems appropriate and timely notice of meetings at which either or both the Reporting and Responding Parties may be present, and will provide both parties with timely and equal access to any information that will be utilized in the process. Extenuating circumstances could require the process to extend beyond the 60-day time frame described above, and the University will determine in its discretion if such circumstances exist and will notify the Reporting and Responding Parties in writing of the delay and the reason for the delay.

As part of the Investigation and Resolution, the Investigator(s) will review any

information gathered during the Initial Assessment, will seek to interview both the Reporting and Responding Party, and will seek to identify, locate, and interview with any other witnesses who can provide germane information. Both parties are entitled to bring an advisor of their choice to any meeting or interview in connection with the process. The role of the advisor of choice is limited to consulting privately with the party they accompany. To help ensure a prompt and thorough investigation, the Reporting Party is encouraged to provide as much information as possible, including the following:

- The name of the person or persons allegedly engaged in the prohibited conduct.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the reporting party's opportunity to benefit from the University's programs or activities.
- The names of other individuals who might have relevant information about the alleged actions and/or been subject to the same or similar acts of prohibited conduct.
- Although it is not required, any steps the Reporting Party has taken to try to stop the prohibited conduct.
- Any other information the Reporting Party believes to be relevant to the alleged prohibited conduct.

The Responding Party is also expected to provide as much information as possible in connection with the investigation.

In general, in a case where the Responding Party raises consent as a defense, any prior sexual or other relationship between the parties may be deemed relevant to the Investigation but not necessarily determinative. As noted in the Policy above, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, other prior sexual history of the Reporting or Responding Party will not be considered relevant to the Investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of the Responding Party, assigning of a sanction. Additionally, a prior finding of responsibility for a similar act of sexual misconduct that remains following any appeals may be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

2. Title IX Investigative Report

Upon conclusion of the investigation, the Investigator(s) will produce a Title IX Investigative Report that summarizes and analyzes the allegations, the relevant facts, and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). The Investigator will address any identified factual inaccuracies or misunderstandings as appropriate and based on this information, as well as all

information gathered during the Investigation, the Investigator(s) will make a finding as to whether the University's Policy has been violated in the matter by the Responding Party. A Letter of Investigation Results which details the Investigator's findings and includes information regarding appeal rights and procedures will be provided to the Title IX Coordinator to be reviewed. Within 7 days of approval of the letter, the Title IX Coordinator will share the Letter of Investigation Results with the parties (to the extent permitted by FERPA or other applicable law). To the greatest extent possible, the parties will be provided the Letter or otherwise notified in writing of the Investigation Results simultaneously/contemporaneously. Each party will have the right to provide to the Title IX Coordinator their comments on the Letter identifying any factual inaccuracies or misunderstandings within 7 calendar days of receipt of the Letter.

3. **Standard of Proof**

The **Standard of Proof** to be employed by the Investigator shall be the preponderance of the evidence: that is, based upon the information obtained during the investigation, is it more likely than not that one or more violations of the Policy occurred. The Final Title IX Investigative Report, including a finding of responsibility or non-responsibility for a Policy violation and a rationale for the finding, will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law) simultaneously/contemporaneously to the greatest extent possible.

4. **Sanctioning, Impact Statements and Corrective Actions**

If the Investigator finds based on a preponderance of the evidence that the Responding Party is responsible for a violation of the Policy, the **Final Title IX Investigative Report** will be forwarded to the appropriate University official for determination of sanction.

- When the **Responding Party is a traditional undergraduate student** who has been found responsible for a violation of University Policy, the **Dean of Residential Life** will determine the appropriate sanction and any other corrective actions.
- When the **Responding Party is a student in the School of Graduate and Continuing Studies** who has been found responsible for a violation of University Policy, the **Dean of the School of Graduate and Continuing Studies** will determine the appropriate sanction and any other corrective actions.
- When the **Responding Party is an employee** who has been found responsible for a violation of University Policy, the **Director of Human Resources** will determine the appropriate sanction and any other corrective actions.

Upon reviewing the Final Title IX Investigative Report and any additional comments or statements submitted by either party, the University official responsible for sanctions will determine what, if any, sanctions will be imposed and will notify each party, contemporaneously/simultaneously (to the greatest extent possible) of any sanctions or

other corrective actions in writing, as well as the rationale for the sanctions or other corrective actions, to the extent permitted or required by law. Each party will be notified of the decision regarding sanctions and any other corrective actions within 7 calendar days of the referral of the Report to the University official responsible for determining the sanction and any other corrective actions, unless the University official determines that additional time is required. The University official will also provide a copy of the decision regarding sanctions and any other corrective actions to the Lead Title IX Coordinator.

The University will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Reporting Party (and others, if appropriate). The range of potential disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation is: written or verbal apology; discrimination, harassment or consent education; drug or alcohol counseling, community service; verbal or written warning; probation; suspension; and dismissal or other separation from the University. Additional corrective actions for the Reporting Party may include but are not limited to support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support. Corrective actions and remedies at the level of the institution may include but are not limited to providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations.

In no event will the Reporting Party in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, domestic violence, dating violence and/or stalking be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the University is unable to take disciplinary or other corrective action in response to a violation of this Policy because a complainant/victim/survivor requests confidentiality or for some other reason, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

F. Appeals

1. Appeal of Finding of Non-Responsibility

If there is a finding of non-responsibility, either party may appeal such a finding within 7 calendar days of receiving the Final Title IX Investigative Report. Appeals of such a finding may be submitted on two grounds: new evidence or information sufficient to alter a decision; and allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case. Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments

relevant to the grounds for the appeal.

2. Appeal of Finding of Responsibility and Sanctions/Corrective Actions

If there is a finding of responsibility, either party also has the right to submit an appeal of the finding and the sanctions/corrective actions within 7 calendar days of being notified of the sanction decision. Appeals of such a finding may be submitted on two grounds: new evidence or information sufficient to alter a decision; and allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case. Appeals of the sanctions may be submitted on the grounds that the sanction was excessively harsh or excessively lenient or that the University official imposing the sanction deviated from the process outlined in the Policy in a manner that substantially influenced the nature of the sanction. Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments relevant to the grounds for the appeal. The appeal must be submitted in writing to the Title IX Coordinator within 7 calendar days of receipt of the sanction notification. If the responding party wishes to have a sanction suspended pending the outcome of the appeal, they may so request at the time of the appeal. It is within the sole discretion of the Title IX Coordinator to grant a suspension of the sanction pending an appeal determination and to invoke necessary interim remedies and measures during this period.

3. Appeal Process

The appeal process has two steps. First, within 7 calendar days of receiving an appeal of either finding or sanction, the Title IX Coordinator will determine whether the appeal satisfies the grounds for appeal and will notify the parties simultaneously/contemporaneously (to the greatest extent possible) in writing of their decision regarding this issue. The party that did not initiate the appeal will then have 7 calendar days to submit a written response to the appeal if the Title IX Coordinator determines that the appeal request satisfies the grounds for appeal. Appeals of either finding or sanction appeal will be reviewed by a three-person Appeal Panel of University officials trained in Title IX matters and appointed by the Title IX Coordinator. The members of this Appeal Panel will not have participated previously in the original complaint resolution procedure and shall not have a conflict of interest with either party. The Appeal Panel will review the Final Title IX Investigative Report and may interview the Investigator(s) or any other person who participated in the investigation or sanctioning process. The Appeal Panel may uphold the original finding, remand the case to the original Investigator(s) for reconsideration, convene an entirely new Investigation, or recommend reconsideration of the sanction or other corrective actions. The Appeal Panel will deliver its decision within 14 days of receiving the Appeal unless there are extenuating circumstances that require an extension. Within 7 days after completion of the appeal process and reaching a decision regarding the appeal, the Title IX Coordinator will notify the parties contemporaneously/simultaneously (to the

greatest extent possible) in writing of the outcome of the appeal and the rationale for the decision. Appeal decisions by the Appeal Panel are final.

G. Records Maintenance

The University will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information of victims of sexual assault, domestic violence, dating violence and stalking. All files relating to the Final Title IX Investigative Report, Initial Assessment, Voluntary Resolution, Investigation, Sanctions and Appeals will be maintained by the Title IX Coordinator. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

H. Educational Programming

The University will provide the following education programming designed to promote the awareness of Discrimination, Harassment, Sexual assault, domestic violence, dating violence and stalking.

1. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy

- Training on at least an annual basis on the issues related to sexual assault, sexual violence, dating violence and stalking; and
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

2. Primary Prevention and Awareness Programs

The University will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- a statement that the University prohibits the offenses of discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, and a description of the University's policies that prohibit this conduct;
- the definition of consent and inability to consent, in reference to sexual activity, as defined in this Policy and under Illinois law;
- the definition of discrimination, harassment, including sexual assault, domestic violence, dating violence, and stalking (or similar offenses) in this Policy and under Illinois law;
 - the definition of retaliation as relates to sexual violence;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of

discrimination, harassment, sexual assault, domestic violence, dating violence and stalking against a person other than such individual;

- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the procedures that a complainant/victim/survivor should follow if discrimination, harassment, sexual assault, domestic violence, dating violence and stalking has occurred, as described in this Policy, including options for a complainant/victim/survivor to report such incidents to a confidential advisor or other confidential resource;
- the possible sanctions and protective measures that the University may impose following a final determination of a violation of University policy regarding discrimination, harassment, sexual assault, domestic violence, dating violence and stalking;
- the procedures for University disciplinary action in cases of alleged discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, as described in this Policy, including the standard of proof that is used;
- information about how the University will protect the confidentiality of Reporting Parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the Reporting Party, to the extent permissible by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee accusers and victims both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the Reporting Party and if such accommodations are reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or local law enforcement.

3. Ongoing prevention and awareness campaigns

The University will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs. The University will also provide each student with an electronic or hard copy of its policy and procedures at the beginning of each academic year.

I. Changes in these Procedures

The University reserves the right to make adjustments and changes in these procedures at any time.

Updated June 2017.