

## **Investigation and Resolution Procedures for Allegations of Sexual Misconduct**

These Investigation and Resolution Procedures (“Sexual Misconduct Procedures”) apply to all allegations of Sexual Misconduct, as defined in the University’s Policy Against Title IX Sexual Harassment and Sexual Misconduct (“Policy”), not otherwise consolidated with allegations of Title IX Sexual Harassment as set forth in the Policy. These procedures apply to Sexual Misconduct committed by current or former student, administrator, faculty member, staff member, contractor, visitor, guest, or other member of the University community. 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 Sexual Misconduct Procedures in a manner that comports with any such contractual rights.

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 in the manner set forth in the Sexual Misconduct Procedures or Title IX Sexual Harassment Procedures. Under Illinois law reporting parties have the right to request a prompt procedure, and the University is committed to providing a prompt resolution in all matters.

In resolving a particular matter under these Sexual Misconduct Procedures, the University may use some or all of the following processes: Preliminary Assessment, Informal Resolution, Investigation, and Sanctioning. Regardless of the specific processes employed, the University will strive to complete the Investigation and Resolution of each matter promptly. The use of these listed processes may depend on the extent to which the Title IX Sexual Harassment Procedures may have been applied to the matter. The University will provide periodic updates to the parties regarding the procedural steps applied and the status of the investigation and resolution of a complaint of Sexual Misconduct as it deems appropriate.

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, whether the Complainant is willing to file a report or to consent to an investigation, the Complainant’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 Complainant 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 Sexual Misconduct Procedures described below or other process that resolves the complaint in a manner consistent with applicable law. Similarly, the University may also proceed to seek resolution of the alleged or suspected Policy violation in cases in which the Respondent does not wish to participate in the Investigation and Resolution process.

## **I. Relationship to The Title IX Sexual Harassment Policy**

“Title IX Sexual Harassment,” as defined in the Policy, will be governed by the Title IX Sexual Harassment Procedures and should be addressed according to the processes stated therein. All other forms of Sexual Misconduct are governed by these procedures, including sexual harassment that does not rise to the level of Title IX Sexual Harassment as defined in the Policy.

Conduct that is initially raised through a Formal Complaint under the Title IX Sexual Harassment Procedures may also be addressed under these Sexual Misconduct Procedures, in the University’s discretion, when: (i) the conduct at issue, or some part of it, may constitute Sexual Misconduct irrespective of whether it constitutes Title IX Sexual Harassment under the Policy; (ii) the Formal Complaint, or some part of it, has been dismissed under the Title IX Sexual Harassment Procedures; or (iii) a final determination of a Formal Complaint has been made under the Title IX Sexual Harassment Procedures and separate or additional action may be necessary to enforce this policy.

Where the University determines, in its discretion, that these Sexual Misconduct Procedures will govern for suspected or alleged acts of Sexual Misconduct, the procedures herein will be used in place of any Student Code of Conduct or Faculty or Employee Handbook policies or procedures used to address other alleged misconduct.

The University may at any time, upon finding of good cause, modify the Sexual Misconduct Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

## **II. Confidentiality**

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of the Policy will be observed, provided that it does not interfere with the University’s ability to conduct an investigation and take any corrective action deemed appropriate by the University. Consistent with the University’s obligations under the Clery Act and VAWA, identifying information regarding Complainants will not be included in any Timely Warnings or other publicly-available records.

## **III. Reporting Alleged or Suspected Incidents of Sexual Misconduct**

There are various reporting options and resources available to the University community for individuals who wish to make a complaint or report of alleged or suspected Sexual Misconduct. The University encourages those who have experienced Sexual Misconduct to talk to one or more of the individuals or agencies identified below.

### **A. Reporting to the University**

The University strongly encourages individuals, including third party bystanders, to report incidents of Sexual Misconduct to the Title IX Coordinator or other University employees identified below. Reports may be made by Complainants, Third Party Reporters, Witnesses, or

bystanders, and may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator or other University employee or department identified below receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The University encourages individuals to report such incidents as soon as practically possible, but there is no time limit on reporting incidents of Sexual Misconduct. 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 University community (e.g., a student who has graduated or an individual who is no longer in the employ of the University).

The name and contact information for the Title IX Coordinator is:

Tom Ascher  
Director of Human Resources/Title IX Coordinator  
Miller Business Center/Human Resources  
One University Avenue  
Bourbonnais, IL 60914  
Phone: 815-928-5473  
Fax: 815-928-5781  
Email: [tascher@olivet.edu](mailto:tascher@olivet.edu)

In addition to reporting to the Title IX Coordinator, any person may report Sexual Misconduct to the following University employees:

**ONU Department of Public Safety**

Lower Level Ludwig  
One University Ave  
Bourbonnais, IL 60914  
815-939-5265  
[publicsafety@olivet.edu](mailto:publicsafety@olivet.edu)

**Title IX Committee Members**

Jason Stephens – Vice President of Student Development  
815-939-5333  
[jstephens@olivet.edu](mailto:jstephens@olivet.edu)

Drew Benson – Dean of Students  
815-939-5333  
[abenson@olivet.edu](mailto:abenson@olivet.edu)

Kevin Bernard – Director of Public Safety  
815-928-5597  
[dblair1@olivet.edu](mailto:dblair1@olivet.edu)

Lauren Glenn – Head Coach, Women’s Basketball/ SWA

815-928-5475

[lstamati@olivet.edu](mailto:lstamati@olivet.edu)

Mindy Williamson – Associate Director of Development & Engagement Tech Service

815-939-5195

[mawilliamson@olivet.edu](mailto:mawilliamson@olivet.edu)

Hillary Cole – Chair, Social Work & Criminal Justice/ Assistant Professor

815-928-5407

[hlcole@olivet.edu](mailto:hlcole@olivet.edu)

Brianna Koch – Director of Counseling Services

815-928-5786

[bnkoch@olivet.edu](mailto:bnkoch@olivet.edu)

### **Reporting Officials**

All non-student University employees, except those identified in the Confidential Reporting section below, are obligated to share with the Title IX Coordinator any alleged violation of this Policy of which they become aware (including the identities of the parties) unless they are expressly prohibited by law from disclosing such information. Students employed as Resident Assistants (RAs) are also considered University representatives who are obligated to share with the Title IX Coordinator any alleged violation of this Policy of which they become aware (including the identities of the parties) in their capacity as an RA

#### **1. Research Exemption to Reporting Responsibility of Employees**

The University recognizes a narrow exception to the reporting responsibilities described above for specific types of research regarding Title IX Sexual Harassment or Sexual Misconduct, as those terms are defined in the Policy. For research regarding Title IX Sexual Harassment or Sexual Misconduct, the burden of reporting could have a negative impact on the ability for researchers to effectively study these topics. There are some systems in place to protect participants of studies: All researchers must conduct their research in accordance with the requirements of the University’s Institutional Review Board (IRB), and, where applicable, any research sponsor requirements.

University employee and student researchers engaged in IRB-approved research and University employees and students who administer IRB-approved research about campus-based Title IX Sexual Harassment or Sexual Misconduct will be exempted from their reporting responsibilities, so long as all of the following conditions are satisfied:

- The research must be approved by the University’s IRB.
- The exemption applies only when the individual is acting in their role as a researcher and when the information is formally gathered as part of the research project in question.
- The researcher must have IRB-approved, trauma-informed training to provide to the research participants making the disclosure of Title IX Sexual Harassment or Sexual Misconduct.

- The consent form must explicitly explain the University's general reporting obligations described above and this research exemption.
- Research participants must be given a copy of the University's Policy and these Sexual Misconduct Procedures so that they have information about both confidential and non-confidential resources available on- and off-campus, including contact information for the University's Title IX Coordinator.

This research exemption does not apply to the following:

- Research participants under the age of 18.
- Research participants over 18 who disclose violence involving a minor.
- Instances of suspected or alleged child abuse or neglect that must be reported under the Illinois Abused and Neglected Child Reporting Act (ANCRA).
- Disclosures that reference risk or threat of imminent harm to self or others.

## **2. Anonymous Witness Report**

Individuals, including third parties and bystanders, can submit an anonymous report of sex discrimination, sexual misconduct or interpersonal violence by completing the form found at: <https://www.olivet.edu/silent-witness-form>. Upon filing an electronic report, the electronic reporter (if not anonymous) will receive an electronic response within 12 hours.

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.

## **3. Privacy of Reports**

The privacy of all parties involved in complaints or reports of Sexual Misconduct prohibited by the Policy will be respected to the extent permitted under relevant law. Information related to a complaint or report of a violation of the Policy will be treated with sensitivity and shared only with those University employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the University's Sexual Misconduct Procedures. The University will not disclose the identity of either party except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when provided by State or federal law.

All University employees who are involved in the review, investigation or resolution of Sexual Misconduct complaints will receive specific training regarding the safeguarding of private information. 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.

## **4. Information Regarding the Rights of the Parties**

Upon receiving a report of an incident of Sexual Misconduct prohibited under this Policy, the University will provide the Complainant with a written document (separate from this Policy) listing, in plain, concise language, the Complainant's available rights, options and resources, as well as a description of the University's Sexual Misconduct Procedures. The University will also provide the Respondent with a written document (separate from this Policy) listing, in plain and concise language, the Respondent's available rights, options and resources, as well as a description of the University's Sexual Misconduct Procedures.

## **5. Amnesty Policy**

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of an incident of Sexual Misconduct may be hesitant to make a report because of potential disciplinary consequences. To encourage reporting, the University offers amnesty or limited immunity to any student who reports, in good faith, an alleged violation of the University's Policy involving Sexual Misconduct to the Title IX Coordinator, a Reporting Official, or to the Department of Public Safety. An individual who makes a report of Sexual Misconduct that was directed at them or another person will not be subject to disciplinary action by the University for violations of the University's Student Code of Conduct, including but not limited to personal consumption of alcohol or drugs that is related to or revealed in the course of the Sexual Misconduct report or investigation, unless the University determines that the violation was serious and/or endangered the health or well-being of any other individual. The University may, however, initiate an education discussion or pursue other educational remedies, such as education regarding alcohol or other drugs, for an individual who makes such a good faith report.

### **B. Reporting to Law Enforcement**

Individuals who feel they have experienced an act of Sexual Misconduct have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the University through its Sexual Misconduct Procedures or to pursue both processes consecutively or concurrently. A victim of Sexual Misconduct also has the right not to pursue any complaint to either the University or to a law enforcement agency.

For more information regarding the option to pursue a criminal complaint, contact:

#### **Bourbonnais Police Department**

700 Main Street NW, Bourbonnais, IL 60914

Emergency: 911

Non-Emergency: 815-937-3579

[police@villageofbourbonnais.com](mailto:police@villageofbourbonnais.com)

<https://www.villageofbourbonnais.com/contact-us/police-department>

**The Illinois State's Attorney Office (Kankakee County):**

450 E. Court Street, 3rd Floor, Kankakee, IL 60901

Phone: 1-815-936-5800

Email the State's Attorney: JROWE@k3county.net

The University's Title IX Coordinator and the Department of Public Safety are available to assist students with making contact with appropriate law enforcement authorities. (For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint process, contact the appropriate law enforcement agency.)

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The University can assist parties who wish to do so. Individuals who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the University can work with the individual and the subject of the restraining order to manage compliance with the order on campus. For more information about such orders see:

<https://illinoisattorneygeneral.gov/women/victims.html>  
[www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp\\_content&contentID=7152#](http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7152#)  
<https://www.illinoislegalaid.org/legal-information/3-types-orders-protection>

The Title IX Coordinator and the 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 all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Whether or not criminal charges are filed, the University will initiate an investigation as provided in this Policy where appropriate. "Requesting Confidentiality: How the University will Weigh the Request and Respond" below, includes additional information regarding requests for confidentiality or requests that no investigation be conducted. 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. The University also may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the University's fact-finding, provide regular updates on the status of the investigation and notify the parties when the University's fact-finding resumes. During this time period, the University will take any additional measures necessary to protect and support the parties and the University community.

The University's authority to sanction members of the University community applies only to the violation of University rules, policies and procedures.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of Sexual Misconduct under this Policy, criminal investigations or reports are not determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

### **C. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

#### **1. Medical Assistance**

The University also encourages all individuals who feel they have been victims of Sexual Assault, Domestic Violence, Dating Violence, or Stalking 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.

Seeking medical attention helps preserve the full range of options, including the options of working through the University's Sexual Misconduct Procedures and/or filing criminal complaints. Medical personnel may be covered by federal and/or state privacy laws, such as the Health Insurance Portability and Accountability Act. Under Illinois law, medical personnel are required to alert police when it reasonably appears that the individual requesting the treatment has received an injury sustained as a victim of a criminal offense, including sexual violence. However, it is the individual's choice whether they want to speak to the police.

Local medical assistance can be obtained at:

#### **Presence St. Mary's Hospital, Kankakee**

500 W. Court St., Kankakee, IL 60901

815-937-2100

<https://www.amitahealth.org/location/amita-health-st-marys-hospital-kankakee>

#### **Riverside Medical Center**

350 N. Wall St., Kankakee, IL 60901

815-933-1671

<https://www.riversidehealthcare.org/>; and/or

<https://www.riversidehealthcare.org/location/riverside-medical-center>

#### **2. Preserving Evidence**

Individuals who have experienced Sexual Assault, Dating Violence, Domestic Violence or Stalking often have legal options that they can pursue, including obtaining a protective order



from a court, pursuing a civil action, and/or participating in a law enforcement investigation and criminal prosecution. Regardless of whether an incident is reported to the police or the University, it is important for an individual who has experienced Sexual Assault, Dating Violence, Domestic Violence or Stalking to preserve evidence to the greatest extent possible to preserve all legal options.

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 they choose 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, they 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

815-937-2100

<https://www.amitahealth.org/location/amita-health-st-marys-hospital-kankakee>

**Riverside Medical Center**

350 N. Wall St., Kankakee, IL 60901

815-935-7500

<https://www.riversidehealthcare.org/>; and/or

<https://www.riversidehealthcare.org/location/riverside-medical-center>

**Sexual Assault Nurse Examiner (SANE) Programs:**

Both Presence St. Mary's Hospital and Riverside Medical Center have Sexual Assault Nurse Examiner (SANE) Programs. In their respective Emergency Departments, Presence St. Mary's Hospital has 2 SANE nurses and Riverside Medical Center has 2 SANE nurses. A SANE practitioner has received extensive specialized training in sexual assault trauma response and emotional support for the victims of sexual assault. They are trained to provide crisis intervention and to meticulously document injuries and physical evidence. SANE nurses also have training in forensic evidence collection, forensic techniques using specialized equipment, expert witness testimony, assessment of injuries, STD treatment and pregnancy evaluation and treatment.

More information can be found at: <http://www.kc-casa.org/get-help/medical-advocacy/>

Individuals who have experienced Sexual Assault, Dating Violence, Domestic Violence or Stalking 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.

#### **D. Resources and Confidential Reporting**

Any individual affected by or accused of Sexual Misconduct will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support from these resources. The Title IX Coordinator is available to provide information about the University's Policy and procedures and to provide assistance. A list of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available is located at the following link:

<https://my.olivet.edu/titleIX/Pages/default.aspx>

The University recognizes that individuals who feel they have been victims of Sexual Misconduct may require time and support in considering whether or how to participate in any University or law enforcement process. The University also recognizes that individuals who have been accused of Sexual Misconduct may also require support. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

##### **1. On-Campus Confidential Advisors**

Individuals wishing to obtain confidential assistance without making a report to the University may do so by speaking with the University's confidential advisors. Staff counselors and medical personnel at the Center for Counseling and Health Services are confidential advisors who are available to discuss incidents or accusations of Sexual Misconduct with both Complainants and Respondents in confidence and can provide emotional and medical support in a safe and confidential space. These services are available without charge.

Confidential advisors generally only report to the University that an incident is alleged to have occurred without revealing any personally identifying information. Disclosures to confidential advisors **will not** trigger the University's investigation into an incident.

Confidential advisors are available to provide support and information to individuals who have experienced or been accused of Sexual Misconduct, including providing the following:

- Information regarding reporting options and possible outcomes, including reporting to the University's Title IX Coordinator pursuant to the University's Policy and procedures and/or notifying local law enforcement;
- Information regarding available resources and services, including but not limited to services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;

- Information regarding orders of protection, no contact orders or similar lawful orders issued by the University or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon request; and/or
- Assistance with securing interim protective measures and accommodations upon request.

**Confidential Advisor Contact Information:**

**ONU Center for Counseling Services: 815-939-5256**

**2. Confidential Resources in the Community**

The following off-campus agencies also employ individuals available to assist members of the University community with issues relating to Sexual Misconduct in confidence. Disclosures to these entities **will not** trigger the University's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

**Harbor House – Kankakee County**

Harbor House offers free and confidential comprehensive services to survivors of Domestic Violence and their children: 24 Hour 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 survivors and enable them to break their personal cycle of violence safely.

Address: PO Box 1824, Kankakee IL, 60901

24-Hour Hotline: 815-932-5800

Office: 815-932-5814

[info@harborhousedv.org](mailto:info@harborhousedv.org)

[www.harborhousedv.org/index.html](http://www.harborhousedv.org/index.html)

**Clove Alliance**

Clove Alliance 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. KC-CASA also works to educate and partner with the community to improve response to survivors while working toward the prevention of sexual assault.

24-Hour Hotline: 815-932-3322

Office: 815-932-7273

<https://clovealliance.org/>

1440 West Court Street

Kankakee, IL 60901

#### **IV. Institutional Crime Reporting**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) requires institutions of higher education to compile and publish statistics on certain criminal offenses including Sexual Assault, Domestic and Dating violence and Stalking that occur on or adjacent to school properties. Although the University strongly encourages everyone to report any crime that occurs on or around campus, the Clery Act requires certain crimes reported to a Campus Security Authority (CSA) be included in those annual statistics. Specifically, the Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property;
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime nor the identity of the Reporting Party.

The University is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). A Complainant under this policy will never be identified in a timely warning.

#### **V. Mandatory Reporting of Child Abuse, Child Sexual Abuse, and Child Neglect**

All University employees<sup>1</sup> are mandated reporters under the Illinois Abused and Neglected Children's Reporting Act. Mandated reporters are required to immediately report to the Illinois Department of Children and Family Services (DCFS) suspected child abuse and/or neglect when they have "reasonable cause to believe" that a child known to them in their professional or official capacity may be an abused or neglected child. This is done by calling the DCFS Hotline at 1-800-252-2873 or 1-800-25ABUSE.

- A "child" means any person under the age of 18 years, unless legally emancipated.
- "Abused child" means a child whose parent or immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child or a paramour of the child's parent:
  - Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
  - Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
  - Commits or allows to be committed any sex offense against such child;
  - Commits or allows to be committed an act or acts of torture upon such child;
  - Inflicts excessive corporal punishment;
  - Commits or allows to be committed the offense of female genital mutilation;
  - Causes to be sold, transferred, distributed or given to such child under 18 years of age, a controlled substance, except for controlled substances that are prescribed and dispensed to such child in a manner that substantially complies with the prescription; or
  - Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons.

There is no option for confidentiality in the case of suspected child abuse, child sexual abuse and/or child neglect. In other words, all mandated reporters with reasonable cause to believe that a child known to them in their professional capacities may be abused, sexually

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<sup>1</sup> University volunteers having regular contact with minors are also Mandated Reporters.

abused or neglected are required to contact DCFS. Mandated reporters must also notify the Title IX Coordinator that a DCFS report has been made.

## **VI. Requesting Confidentiality: How the University Will Weigh the Request and Respond**

In some cases, an individual may disclose an incident of Sexual Misconduct to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted or disciplinary action be taken. 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 Misconduct involving University students.

If a Complainant 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, will weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the Complainant and the alleged Respondent. When weighing a Complainant'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 Respondent is likely to commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual misconduct or interpersonal violence complaints about the same alleged Responding Party;
  - Whether the alleged Respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged Respondent threatened further sexual misconduct or interpersonal violence or other violence against the Complainant or others;
  - Whether the Sexual Misconduct was committed by multiple perpetrators.
- The Sexual Misconduct was perpetrated with a weapon;
- The Complainant 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 Complainant'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.

If none of these factors are present, the University is more likely to respect the Complainant's request. If the University honors a Complainant'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 Respondent(s) may potentially be limited.

The presence of one or more of the above factors could lead the University to investigate and, if appropriate, pursue action against the Respondent even if the Complainant requests otherwise. If the Title IX Coordinator determines that the University cannot maintain a Complainant's confidentiality, the Title IX Coordinator will inform the Complainant prior to starting an investigation under these procedures 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 Sexual Misconduct procedures, the University will protect the privacy of the participating parties and witnesses as required by FERPA and other applicable law.

## **VII. Preliminary Assessment**

Whatever the source, the University will make every effort to bring reports as quickly as possible to the Title IX Coordinator for a Preliminary Assessment. For every report of an alleged or suspected violation of the Policy, the Title IX Coordinator or designee will review the circumstances of the reported conduct to determine the following:

- Whether the University has jurisdiction over the parties involved;
- Which procedure is applicable to the parties and the conduct being reported; and
- The actions within the University's control necessary to eliminate, prevent, and address the reported conduct.

If the Respondent is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time an investigation or resolution process is initiated (including if the Respondent has graduated or left the University), the University may be unable to take disciplinary action or conduct an investigation.

As a result of the Preliminary Assessment, the Title IX Coordinator or designee may determine that the conduct constitutes or could constitute Title IX Sexual Harassment, as defined in the Policy, and may proceed to apply the procedures of the Title IX Sexual Harassment Procedures.

If the Title IX Coordinator determines that the conduct reported does not or could not constitute Title IX Sexual Harassment but could constitute Sexual Misconduct, as defined in the Policy, the Title IX Coordinator will proceed with the procedures set forth in these Sexual Misconduct Procedures below.

## **VIII. Interim Measures and Remedies**

Once it is determined that the Sexual Misconduct Procedures will be applied, the Title IX Coordinator or designee will implement any Interim Measures or Remedies appropriate or necessary to protect the safety or well-being of the parties or the campus community. Any such Interim Measures or Remedies will be individualized and appropriate for the case at hand.

Interim 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 no contact; honoring an order of protection or no contact order entered by a State civil or criminal court; provision of escorts; changes to academic, living, dining, transportation, and campus work situations. The University is obligated to comply with a student's reasonable request for a living or academic change.

Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on both parties to the extent possible. 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.

The University may, at its discretion, impose an interim suspension or leave of absence on the Respondent in cases where the University believes there is risk of harm to others. In exercising its discretion, the University will consider the impact of separating a student from their education.

Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above, communicate with both parties on the provision and implementation of these measures, and ensure that any interim measures are necessary and effective based on the parties' evolving needs.

## **IX. Contacting and Notifying the Parties**

Once it is determined that the Sexual Misconduct Procedures will be applied, the Title IX Coordinator or designee will contact and attempt to meet with the Complainant to:

- Assess the nature and circumstances of the allegations;
- Address any immediate concerns about the physical safety and emotional well-being of the parties;
- Notify the Complainant 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 Complainant with information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by the University and in the community, including confidential resources and services, and assist them in accessing these resources;
- Describe the range of Interim Measures and Remedies available for security and support, including obtaining orders of no contact and the Complainant's options for, and available assistance in, changing academic, living, dining, transportation, working situations, and other forms of academic support if requested and reasonably



available, regardless of whether the Complainant chooses to report the crime to campus security or to local law enforcement.

- Discuss the Complainant's options, rights, and responsibilities, including information regarding 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 Complainant; the Sexual Misconduct Procedures, and the need to preserve any relevant evidence or documentation in the case. The Complainant 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 Complainant, but a written complaint or statement is not necessary; information provided by the Complainant in any form will be considered in resolving allegations reported to the University.

If the Complainant 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, as described above.

As soon as practicable after the initial meeting with the Complainant, the Respondent will be notified that a report or complaint alleging a violation of the Policy has been made unless the University determines that it is not necessary or appropriate to move forward with the informal or formal resolution process.

The written notice provided to the Respondent will include the following information: (1) the identity of the parties involved, if known; (2) the specific section(s) of the University's Policy allegedly violated; (3) the precise conduct allegedly constituting the alleged violation(s); and (4) the dates and location of the alleged incident(s) that gave rise to the allegation(s).

If at any point additional alleged Policy violations are raised or the conduct allegedly constituting an alleged Policy violation changes in a material way, the parties will receive additional notice of such changes.

When notified of the report or complaint, the Respondent will also receive a parallel discussion and written explanation of the options, rights, and responsibilities of the Respondent, including information regarding:

- 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 Respondent;

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available in the University and in the community, including confidential resources and services, and assistance available in accessing these resources;
- The range of Interim Measures and Remedies available for security and support, including obtaining orders of no contact and the Respondent's options for, and available assistance in, changing academic, living, dining, transportation, working situations, and other forms of academic support if requested and reasonably available;
- The Respondent's rights, options, and responsibilities, including information regarding 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 Respondent; the Sexual Misconduct Procedures, and the need to preserve any relevant evidence or documentation in the case.

The Respondent will also 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.

**The Respondent may elect to accept responsibility for all or part of the conduct alleged by the Complainant 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 resolving any allegations of misconduct for which the Respondent did not accept responsibility and/or providing additional information that may be relevant to the University official charged with determining appropriate sanctions or corrective action. If the Respondent elects not to accept responsibility for all or part of the misconduct alleged and the remaining allegations would present a potential violation of the Policy, the matter will proceed as described below. In addition, if the Respondent withdraws a prior acceptance of responsibility, the process will continue as described below.

## **X. Conflict of Interest**

The University requires any individual participating in the investigation, sanctioning, appeal, or informal resolution of Sexual Misconduct matters to disclose any potential or actual conflict of interest. The parties will both receive notice of the individuals or individuals with authority to make a finding or impose a sanction in their case before those individuals initiate contact with either party. If a party believes that an Investigator, appeals officer, sanctioning official, or informal resolution facilitator has a conflict of interest, the party should submit a request to replace the Investigator to the Title IX Coordinator. If the Title IX Coordinator is believed to have a conflict, the party should submit such request to the Executive Vice President for Administration (when requesting party is a student) or the Executive Vice President for Administration (when requesting party is an employee). Any individual or individuals reviewing an appeal of the findings or imposed sanctions shall not have participated previously in the complaint resolution procedure.

## **XI. Advisors or Support Persons**

Both parties are entitled to bring an advisor of their choice to any meeting, interview, or procedure in connection with the resolution of a report of Sexual Misconduct, provided that the involvement of the advisor does not result in undue delay of the meeting or interview. The role of the advisor of choice is limited to consulting privately with the party they accompany. If the advisor engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation. At the request of either party, the Title IX Coordinator or designee can assist the parties to identify a University employee who is available to serve as an advisor.

## **XII. Option for Informal Resolution**

Where appropriate, the University will work to informally resolve allegations of Sexual Misconduct by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without a formal investigation and determination under these procedures. Informal resolution may include the range of interim measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy that will achieve the goals of the University's Policy Against Sexual Misconduct and Title IX Sexual Harassment. An informal resolution process may also include an agreed upon resolution, which allows both parties to come to a mutual agreement regarding the resolution of the grievance. This process is overseen by the Title IX Coordinator in conjunction with one or more University representatives. For example, both parties may agree that the permanent application of interim measures (e.g. no contact agreement) may be sufficient to resolve the allegations. This option is available if (i) the University determines, in its discretion, that such a process would be appropriate; and (ii) after receiving a full disclosure of the allegations and their options for formal resolution, all parties voluntarily agree to participate in the informal resolution process.

The parties to any informal process will not be required to deal directly with one another without the University's involvement. Instead, the Title IX Coordinator in conjunction with one or more University representatives may arrange for or facilitate mediation or other informal resolution measures between the involved parties. A summary of the Preliminary Assessment by the Title IX Coordinator may be shared with both parties to help inform the process of informal resolution. Once an informal resolution is reached, it will be documented and both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a finding; responding parties are not charged with a policy violation and are not found to be "responsible" or "not responsible" for a policy violation.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. The University may also commence the formal resolution process at any time. In addition, any party can pursue formal resolution if they are dissatisfied with a proposed informal resolution.

### **XIII. Formal Resolution**

When a report of Sexual Misconduct cannot be informally resolved, a formal resolution will be initiated. The formal resolution process involves the following steps.

#### **A. Investigation**

Formal resolution includes a prompt, thorough, impartial and fair investigation into the allegations of Sexual Misconduct. The University is committed to treating all individuals with respect and sensitivity during this process. The Title IX Coordinator will appoint one or more internal or external Investigators who have been trained in the investigation of, and other issues related to Sexual Misconduct covered by the Policy. The Investigator(s) shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation. In addition, all Investigator(s) shall receive 8 to 10 hours of annual training regarding the investigation of, and other issues related to, Sexual Misconduct. The Investigator(s) will undertake an investigation for the purposes of adjudicating whether the Respondent is responsible for the alleged violation(s) of the Policy.

The nature and extent of the investigation will vary depending on the circumstances. As part of the Investigation and Resolution, the Investigator(s) will review any information gathered during the initial conversations or meetings with the parties, gather and review any additional relevant evidence, seek to interview both the Parties, and seek to identify and interview any other witnesses who can provide germane information. To help ensure a prompt and thorough investigation, both parties are encouraged to provide as much information as possible in connection with the investigation.

Interviews may take place in person, by phone or through electronic means. The Investigator will also seek to gather and analyze any relevant evidence pertaining to the complaint, such as text/email/voicemail messages, social media messages and postings, written communications, law enforcement records, hospital reports, and other relevant evidence.

Additionally, both Parties:

- May provide written statements;
- Are encouraged to identify witnesses who can provide information about the alleged conduct at issue to be interviewed by the Investigator and/or present statements from such witnesses;
- Are encouraged to submit or identify any other relevant evidence;
- May have their advisors or support persons present with them during interviews and meetings conducted during the investigation; and
- Are encouraged to suggest questions for the Investigator to consider asking of the other party or other witnesses (along with an explanation of why the party believes the question(s) would elicit relevant information), which questions the Investigator will review to determine whether they should be asked.

Timely notice will be provided to both Parties of all interviews/meetings at which they may/must be present, and both parties will be provided with timely and equitable access to information.

The University will maintain documentation of the investigation or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, or audio recordings, etc.).

In general, in a case where the Respondent 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, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, other prior sexual history of either 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 Respondent, 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.

## **B. Preliminary and Final Investigation Reports**

Upon conclusion of the investigation, the Investigator(s) will produce a Preliminary Investigation Report that summarizes and analyzes the allegations, the relevant facts, the Investigator's credibility determinations and rationale for those determinations, and all relevant inculpatory and exculpatory evidence (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). For any investigation under these procedures that was initiated under the Title IX Sexual Harassment Procedures, the Preliminary Investigation Report may rely on any facts, documents, statements, or other information obtained during the process under the Title IX Sexual Harassment Procedures. The Preliminary Investigation Report will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law). Each party will have the opportunity to provide in writing to the Investigator or Title IX Coordinator their comments on the Preliminary Investigation Report identifying any factual inaccuracies or misunderstandings and any additional questions to suggest that the Investigator ask of the other party or other witnesses (along with an explanation of why the party believes the question(s) would elicit relevant information that has not already been sought or obtained by the Investigator) within 5 calendar days of receipt of the Preliminary Investigation Report.

The Investigator will address any identified factual inaccuracies or misunderstandings reported by either party as appropriate and determine whether to ask any additional questions of either party or any witness. Based on this information, as well as all information gathered during the investigation, including any facts, documents, statements, or other information obtained during any investigation or hearing under the Title IX Sexual Harassment Procedures addressing the same conduct, the Investigator(s) will prepare a Final Investigation Report that includes the Investigator's credibility determinations, a finding as to whether the University's

Policy has been violated in the matter by the Respondent, and the rationale for these determinations. If the complaint presents more than a single allegation of misconduct, a finding will be made separately as to each allegation. The Final Investigation Report will also include the parties' comments to the Preliminary Investigation Report, any appropriate revisions to the Preliminary Investigation Report based on those comments, any additional information gathered by the Investigator based on those comments, any revisions or supplements to the Investigator's credibility assessments based on those comments, and the Investigator's finding(s).

The Final Investigation Report, including a finding of responsibility or non-responsibility for each Policy violation alleged and a rationale for each 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.

### **C. Standard of Proof**

The Standard of Proof to be employed by the Investigator shall be the preponderance of the evidence: that is, whether, based upon the information obtained during the investigation, is it more likely than not that one or more violations of the Policy occurred.

### **D. Rights of Complainants and Respondents**

Both Complainants and Respondents shall be provided with the following in connection with the investigation and resolution of suspected or alleged violations of this Policy:

- The opportunity to speak on their own behalf;
- The opportunity to identify or present witnesses who can provide information about the alleged conduct at issue;
- The opportunity to submit or identify other evidence on their behalf;
- The opportunity to suggest questions to be posed by the individual or individuals resolving the complaint and respond to the other party;
- The opportunity to review any information offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law), as well as the opportunity to review a written investigation report summarizing all relevant exculpatory and inculpatory evidence and respond to that report in writing;
- Timely and equitable access to any other information that will be used during any informal or formal disciplinary proceedings;
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law);
- Periodic status updates;
- The opportunity to appeal the outcome of the investigation.

### **E. Sanctioning and Corrective Actions**

If the Investigator finds based on a preponderance of the evidence that the Respondent is responsible for a violation of the Policy, the Final Investigation Report will be forwarded to the appropriate University official for determination of sanction. Both parties will then be afforded the opportunity to provide any additional written comments to Investigator's finding for consideration by the appropriate University official who will be assigning the sanction.

These comments and statements must be submitted to the sanctioning officer within 7 calendar days of receipt of the Final Investigation Report.

- When the **Respondent 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 **Respondent 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 **Respondent 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.

Each sanctioning official will receive 8-10 hours of annual training regarding issues related to sexual misconduct and interpersonal violence, as well as sanctioning guidelines consistent with relevant federal and state law and regulations.

Upon reviewing the Final Investigation Report and any additional comments or statements submitted by either party, the sanctioning official 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 in writing of the decision regarding sanctions and any other corrective actions, including information regarding appeal rights, within 7 calendar days of the referral of the Report to the sanctioning official, unless the sanctioning official determines that additional time is required. This notification shall be issued simultaneously to both parties to the extent practicable. The sanctioning official will also provide a copy of the decision regarding sanctions and any other corrective actions to the 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 Complainant (and others, if appropriate). The potential disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation are set forth below. One or more of these sanctions may be imposed at the discretion of the sanctioning officer. Any sanctions imposed will be proportionate with the violation. In imposing disciplinary sanctions, the University will consider the impact of separating a student from their education.

- Verbal or written warning.
- Mandatory educational programming, projects, or counseling.
- Community service.
- Loss of privileges
- Probation.
- Removal from housing or other campus programs/activities/leadership positions.
- Restrictions regarding entering certain buildings or areas of campus.
- Performance improvement/management process (employees only).
- Suspension from school or employment (with or without pay, in the case of employees).
- Termination of contract with the University; and/or
- Dismissal or other separation from the University.

Additional corrective actions may include but are not limited to support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support for one or both parties. Corrective actions and remedies at the level of the University 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 a party in matters involving an alleged violation of the Policy 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 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 Investigation Report. Appeals of such a finding may be submitted on two grounds: (i) new evidence or information sufficient to alter a decision; and/or (ii) 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 a finding or sanction may be submitted on three grounds: (i) new evidence or information sufficient to alter a decision; (ii) 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 or influenced the nature of the sanction; and/or (iii) the sanction is disproportionate with the violation. 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 Appeal Panel will review the Final Investigation Report and may interview the Investigator(s) or any other person who participated in the investigation or sanctioning process, including but not limited to the Investigator, the sanctioning official, and the parties. 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 of the completion of 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.

### **XIV. 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 misconduct, interpersonal violence, and stalking.

All files relating to the Final Title IX Investigative Report, Preliminary Assessment, Informal 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.

#### **XV. Changes in these Procedures**

The University reserves the right to make adjustments and changes in these procedures at any time. Last updated August 14<sup>th</sup>, 2023.