



Sexual Assault, Intimate Partner Violence, Stalking & Sexual Harassment Title IX Policy

Dominican University is committed to ensuring a just and humane campus where all community members have the capacity to thrive. The Title IX Coordinator¹ works in partnership with community stakeholders to support the culture of equity and inclusion that is critical to the University's mission and identity. When the behavior of some community members challenges the well-being of others, the Title IX team determines, to the extent possible, whether the University's policies related to Title IX and gender-based misconduct, and other forms of sexual harassing conduct were violated.

To ensure the University's ability to foster a just and humane campus for all, violations of these policies will not be tolerated. As such, the University community is asked to report incidents that may violate University anti-discrimination and sexual misconduct policies so that efforts can be made to end discriminatory and harassing conduct based on protected characteristics, prevent its reoccurrence, and, where possible, address its effects. The University takes these reports seriously and is therefore committed to following up on reports of sexual assault, sexual harassment, and discrimination.

I. POLICY STATEMENT

Consistent with the University's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972, the University prohibits Title IX Sexual Harassment that occurs within its Education Programs or Activities pursuant to this Sexual Assault, Intimate Partner Violence, Stalking & Sexual Harassment Title IX Policy (hereinafter the Policy).

For purposes of this Policy and as defined by federal regulations, Title IX Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty, staff, students, contractors, guests, and other members of the University community who commit Title IX Sexual Harassment are subject to the full range of University discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal);

¹ References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

physical restriction from University property; cancellation of contracts; and any combination of the same.

The University will provide persons who have experienced Title IX Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's Education Programs or Activities.

II. SCOPE

This Policy applies to Title IX Sexual Harassment that occurs within the University's Education Programs or Activities and that is committed by an administrator, faculty, staff, or student.

This Policy does not apply to Title IX Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education Programs and Activities. This Policy does not apply to Title IX Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Title IX Sexual Harassment occurs in the University's Education Programs and Activities, such as a study abroad program. Title IX Sexual Harassment that occurs either off-campus, in a private setting, and outside the geographic boundaries of the United States is governed by the Non-Title IX Sex-Based Discrimination Policy.

III. DEFINITIONS

- A.** "Title IX Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B.** "Quid Pro Quo Sexual Harassment" is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.
- C.** "Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's Education Programs and Activities.
- D.** "Sexual Assault" includes the sex offenses of Rape, Fondling, Incest, and Statutory Rape²:

² The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

1. "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 2. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 3. "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 4. "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 5. "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 6. "Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.
- E. "Domestic Violence" is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.

- F.** “Dating Violence” is violence committed by a person –
- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
- G.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition—
- Course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- H.** “Retaliation” includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
- I.** “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.
- J.** “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

- K.** “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Title IX Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University’s Education Programs or Activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- L.** “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University’s Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the University’s education environment, or to deter Title IX Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- M.** “Education Programs or Activities” refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the Title IX Sexual Harassment occurs, including Title IX Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University.

IV. UNDERSTANDING HOSTILE ENVIRONMENT SEXUAL HARASSMENT

In determining whether a hostile environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the

conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The University encourages members of the University community to report any and all instances of Title IX Sexual Harassment, even if they are unsure whether the conduct rises to the level of a Policy violation.

Some specific examples of conduct that may constitute Title IX Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this Policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

V. UNDERSTANDING CONSENT AND INCAPACITATION

A. Consent

Lack of consent is a critical factor in determining whether Title IX Sexual Harassment has occurred. Consent is an informed, freely given, and mutually understood agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts.

- A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- Silence or lack of physical or verbal resistance does not imply consent.
- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- Consent cannot be inferred from a person’s manner of dress.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent to past sexual activity does not constitute consent to future sexual activity.
- Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after they withdraw consent. When consent is withdrawn, sexual activity must immediately stop.
- Being in a romantic relationship with someone does not imply consent to sexual activity. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. A person who is passive, unresponsive, or actively resists is demonstrating defective or withdrawn consent.

B. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

- The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
- The individual is unconscious, asleep, or otherwise unaware that sexual activity is occurring;
- The individual is below the minimum age of consent in the applicable jurisdiction (17 years in Illinois); or
- The individual has a mental disability that impairs his or her ability to provide consent.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling, vomiting, and unconsciousness. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

C. Coercion

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

D. Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.>").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

VI. REPORTING TITLE IX SEXUAL HARASSMENT

A. Reporting to the University

Any person may report Title IX Sexual Harassment to the Title IX Coordinator, any University employee, including cabinet members, deans, department heads, unit supervisors, and other

employees who must promptly forward such report of Title IX Sexual Harassment to the Title IX Coordinator. Some student workers, including Resident Assistants, Peer Leaders, Welcome and Information Desk workers, Circulation Desk workers, University Ministry, and Campus Safety staff, are required to report any alleged Title IX Sexual Harassment to the Title IX Coordinator.

Reports may be made by complainants, third parties, 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 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.

To report to the Title IX Coordinator directly, email: titleix@dom.edu

To report to Campus Safety:

- **Non-Emergencies (24 hours):** 708-524-5999
- **Email:** safety@dom.edu
- **Emergencies:** 911 to be connected to local law enforcement

To File a Report Electronically and/or Anonymously:

Individuals, including third parties and bystanders, can submit a report of Title IX Sexual Harassment electronically by completing [Title IX/Bias Reporting Form](#). This form can be completed anonymously.

Upon filing an electronic report, the electronic reporter will receive an electronic response within 12 hours. These reports will be sent to the Title IX Coordinator for a prompt initial assessment to determine next steps. The Title IX Coordinator will contact the Complainant to offer supportive measures, resources, and determine whether the Complainant wishes to file a Formal Complaint.

VII. SPECIAL ADVICE FOR INDIVIDUALS REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the Complainant has several options such as, but not limited to:

- obtaining Supportive Measures
- reporting to law enforcement
- seeking legal advice
- seeking a medical exam
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a Formal Complaint
- requesting that no further action be taken

A. Reporting to Law Enforcement

Individuals who feel they have experienced Sexual Assault, Domestic Violence, Dating Violence, or Stalking have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the University through its Complaint Resolution Procedures or to pursue both processes consecutively or concurrently. Complainants also have the right not to pursue any complaint to either the University or law enforcement.

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

- **Police/Fire/Ambulance (Emergency):** 911
- **Village of River Forest Police/Fire/Ambulance (non-Emergency):** 708-366-7125

The Title IX Coordinator and the Campus Safety Department 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/Safer-Communities/Violence-Prevention-and-Community-Safety/Orders-of-Protection/>

The Campus Safety Department 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 Assault crisis support.

Whether or not criminal charges are filed, the University will initiate an investigation as provided in this Policy where appropriate. The "Requesting Confidentiality to a Non-Confidential Source" (p. 14) Section 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 Assault, Dating Violence, Domestic Violence, or Stalking under this Policy, criminal investigations or reports are not determinative of whether Sexual Assault, Dating Violence, Domestic Violence, or Stalking, for purposes of this Policy, has occurred. In other words, conduct may constitute Sexual Assault, Dating Violence, Domestic Violence, or Stalking under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

B. Medical Assistance and Preserving Evidence

If you believe you are the victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. 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.

Seeking medical attention and preserving evidence helps preserve the full range of options for an individual, including the options of working through the University's Complaint Resolution Procedures and/or legal options including obtaining a protective order from a court, pursuing a civil action, and/or participating in a law enforcement investigation and criminal prosecution.

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.

Local medical assistance can be obtained at:

- **Rush Oak Park Hospital:** 708-383-9300
- **Loyola Medical Center:** 888-584-7888
- **Gottlieb Hospital:** 708-681-3200
- **Westlake Hospital:** 708-681-3000

The University recommends the following for individuals who believe they are victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking:

- Get to a safe place as soon as possible.

- Try to preserve all physical evidence of the crime – avoid showering, bathing, using the toilet, rinsing one’s mouth, smoking, or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred. Preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact law enforcement by calling 911.
- Seek medical attention as soon as possible – all medical injuries are not immediately apparent. This is necessary to help collect evidence that may be needed in case the individual decides to pursue criminal charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor or Dominican University confidential resource who can help explain reporting options, provide information, and provide emotional support. Or contact **Pillars’ 24-hour hotlines**:
 - **Domestic Violence Hotline**: 708-485-5254
 - **Sexual Violence Hotline**: 708-482-9600
- Make a report to the Title IX Coordinator by emailing titleix@dom.edu or completing the [Title IX/Bias Reporting Form](#).
- Explore this Policy and avenues for resolution under this Policy.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Title IX Sexual Harassment investigations.

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:

- **Gottlieb Hospital**: 708-681-3200
- **Rush Oak Park Hospital**: 708-383-9300

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 Assault. However, it is the individual’s choice whether they want to speak to the police.

VIII. Confidential Reporting

The University recognizes that individuals who feel they have been victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking 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 Assault, Dating Violence, Domestic Violence, or Stalking may also require support. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

A. On-Campus Confidential Resources

Individuals wishing to obtain confidential assistance without making a report to the University may speak with one of the University's Wellness Center counselors. For **Counseling Services at the Wellness Center**, call: 708-524-6229. The Wellness Center staff does not need to report identified cases of sexual assault, dating violence, domestic violence, or stalking to the Title IX Coordinator.

Wellness Center counselors are available to discuss incidents or accusations of Title IX Sexual Harassment with Complainants and Respondents in confidence and provide emergency and ongoing support in a safe and confidential space. Counselors generally only report to the University that an incident is alleged to have occurred without revealing any personally identifying information. Disclosures to counselors **will not** trigger the University's investigation into an incident.

Per [Illinois State Law](#), confidential advisors shall receive 40 hours of initial training regarding sexual violence and participate in six hours of annual continuing education thereafter.

B. 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 Title IX Sexual Harassment in confidence. Disclosures to these entities **will not** trigger a report to the University or an investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- **National Sexual Assault Telephone Hotline:** 800-656-HOPE (4673)
- **National Domestic Violence Hotline:** 800-799-7223
- **State of Illinois Domestic Violence Hotline:** 877-863-6338
- **Pillars 24-hour Hotlines:**
 - **Domestic Violence Hotline:** 708-485-5254
 - **Sexual Violence Hotline:** 708-482-9600
- **Mujeres Latinas En Acción:** 708-890-7676
- **Life Span Center for Legal Services & Advocacy:** 312-408-1210

C. Requesting Confidentiality to a Non-Confidential Source

In some cases, an individual may disclose an incident of Title IX Sexual Harassment 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 non-confidential source will be required to report to the Title IX Coordinator. 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 Title IX Sexual Harassment.

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 community members, including the Complainant and the 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, whether:

- The Respondent is likely to commit additional acts of Title IX Sexual Harassment, such as:
 - Whether there have been other Title IX Sexual Harassment complaints about the same Respondent;
 - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the Respondent threatened further Title IX Sexual Harassment against the Complainant or others;
 - Whether the alleged Title IX Sexual Harassment was committed by multiple Respondents.
- The Title IX Sexual Harassment was perpetrated with a weapon;
- The Complainant is a minor;
- The University possesses other means to obtain relevant evidence of the Title IX Sexual Harassment (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 Respondent(s) may potentially be limited.

The presence of one or more of the above factors could lead the Title IX Coordinator to file a Formal Complaint on behalf of the University, if doing so is not unreasonable, as set forth below. If the Title IX Coordinator determines that the University cannot maintain a Complainant's confidentiality, the Title IX Coordinator will inform the Complainant before filing the Formal Complaint.

D. Confidentiality within the Roman Catholic Sacrament of Reconciliation and Penance

As a Catholic, Dominican institution, Dominican University believes that the dignity of the human person and her or his restoration of right relationship with God and others is central to the profession and practice of any faith. In Roman Catholicism, the Sacrament of Reconciliation or Penance is a moment of sacred grace through healing. For Roman Catholic faculty, staff, and students, Reconciliation is made available by request or through general pastoral offerings of the University Ministry Center. For baptized Roman Catholics, the information shared within the confessional space of the Sacrament is completely confidential and remains under what the Church calls the sacramental seal. The seal prevents the confessor from sharing any information because it is “sacred and cannot be violated under any pretext” (Catechism of the Catholic Church 2490). As such, a Roman Catholic priest in good standing serving as a confessor on Dominican University’s campus shall not be required to report any information disclosed in the confessional space.

IX. AMNESTY

To encourage reporting, the University pursues a policy of offering witnesses and individuals who wish to report incidents limited amnesty from being charged for policy violations, such as alcohol or drug use. While violations cannot be completely overlooked, the University will provide educational rather than punitive responses in such cases. The seriousness of discrimination and/or sexual misconduct is a major concern, and the University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of discrimination and/or sexual misconduct. However, the University reserves the right to require counseling, education, or other preventative measures to help prevent alcohol or drug violations in the future. The University’s commitment to immunity in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs.

X. PRELIMINARY ASSESSMENT

After receiving a report under “Reporting Title IX Sexual Harassment” (p. 8), the Title IX Coordinator will conduct a preliminary assessment to determine whether the conduct, as reported, falls or could fall within the scope of this Policy.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Title IX Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter under this Policy and may notify the Complainant if doing so is consistent with the Family Educational Rights and Privacy Act (FERPA). The Title IX Coordinator may refer the report to other University offices, as appropriate, including for potential assessment under the Non-Title IX Sexual Misconduct Policy or the Student Code of

Conduct in the case of students and other University policies and standards, as applicable, for other persons.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Title IX Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

XI. CONTACTING THE COMPLAINANT

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to:

- Discuss the availability of Supportive Measures;
- Discuss and consider the Complainant's wishes with respect to Supportive Measures;
- Inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint;
- Explain the process for filing and pursuing a Formal Complaint.
- Provide options for filing complaints with the local police and information about resources that are available on campus and in the community.

XII. SUPPORTIVE MEASURES

The University will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

XIII. EMERGENCY REMOVAL

At any time after receiving a report of Title IX Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the University's Education Programs and Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to, removing a student from a residence hall, restricting a student's or employee's access to or use of facilities, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact on the parties as possible.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Title IX Sexual Harassment, including during the pendency of the investigation and adjudication process.

XIV. FORMAL COMPLAINT

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Title IX Sexual Harassment in accordance with the provisions outlined in the “Informal Resolution” (p. 21), “Investigation” (p. 22), and “Formal Resolution” (p. 24) Sections of this Policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University’s Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in “Reporting Title IX Sexual Harassment” (p. 8). No person may submit a Formal Complaint on the Complainant’s behalf unless the Complainant is a minor.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include:

- The Respondent is likely to commit additional acts of Title IX Sexual Harassment, such as:
 - Whether there have been other Title IX Sexual Harassment complaints about the Respondent;
 - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the Respondent threatened further Title IX Sexual Harassment against the Complainant or others;
 - Whether the Title IX Sexual Harassment was committed by multiple Respondents
- The Title IX Sexual Harassment was perpetrated with a weapon
- The Complainant is a minor
- The University possesses other means to obtain relevant evidence of the Title IX Sexual Harassment (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 the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation as specified in “Investigation” (p. 22) and proceed to adjudicate the

matter as specified in “Formal Resolution” (p. 24) below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of their level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If neither the Complainant nor the Title IX Coordinator files a Formal Complaint, the complaint resolution provisions of this Policy will not be applied, but the Title IX Coordinator may refer the report to other University offices as appropriate.

XV. CONSOLIDATION OF FORMAL COMPLAINTS

The University may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Title IX Sexual Harassment.

XVI. DISMISSAL PRIOR TO COMMENCEMENT OF INVESTIGATION, DURING INVESTIGATION, OR ADJUDICATION

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the Policy specified in “Scope” (p. 2). (i.e., because the alleged conduct did not occur in the University’s Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the University, as the case may be; or

- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal the dismissal as specified in “Appeal” (p. 29). The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this Policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal or the dismissal is overturned on appeal.

XVII. NOTICE OF FORMAL COMPLAINT

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy or hyperlink of this Policy, including Appendix A (p. 40);
- Sufficient details known at the time so that the parties may prepare for an initial interview with the Investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice” (p. 31).
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence” (p. 23).
- Notifying the Complainant and Respondent of the University’s prohibitions on retaliation and false statements specified in Sections “Bad Faith Complaints and False Information” and “Retaliation” (p. 34).
- Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated. The procedures outlined in this policy may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by

the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

XVIII. INFORMAL RESOLUTION

At any time after the parties are provided written notice of the Formal Complaint as specified in “Notice of Formal Complaint” (p. 20), and before the completion of the determination of responsibility specified in “Formal Resolution” (p. 24) the parties may voluntarily consent, with the Title IX Coordinator’s approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be used;
- Identifies the trained individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party’s ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the facilitator will put the terms of the agreed resolution in writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or appeal by the University, except as otherwise provided in the resolution itself.

A party may withdraw their consent to participate in informal resolution at any time before a final determination has been rendered by the Hearing Officer.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 21 days. If an informal resolution process does not result in a resolution within 21 days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is an employee accused of committing Title IX Sexual Harassment against a student.

XIX. INVESTIGATION

A. Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an Investigator selected by the Title IX Coordinator or his/her designee will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties. The investigation will culminate in a written investigation report, specified in "Investigation Report" (p. 23), that will be submitted to the Hearing Officer during the selected adjudication process specified in "Formal Resolution" (p. 24). Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within 60 to 90 days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

During the investigation, the Investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the Investigator retains discretion to limit the number of witness interviews the Investigator conducts if the Investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in "Sexual History" (p. 32). The Investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

C. Documentation of Investigation

The Investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the Investigator's notes, audio/video recording conducted by the University, or transcribed. The particular method used to record the interviews of parties and witnesses will be determined by the investigator in the Investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have 10 days in which to submit to the Investigator a written response, which the Investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

E. Investigation Report

After the period for the parties to provide any written response as specified "Access to Evidence" (p. 23) has expired, the Investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the Investigator will transmit a copy to the Title IX Coordinator. The Investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XX. FORMAL RESOLUTION

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The Title IX Coordinator will select an appropriate Hearing Officer and provide a copy of the investigation report and the file of directly related evidence.

A. Hearing Officer and Hearing Notice

The Hearing Officer will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Hearing Officer will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Hearing Officer may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and the University will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Hearing Officer about the complaint unless they have already been provided.

- An invitation to each party to submit to the Hearing Officer an impact and/or mitigation statement pre-hearing that the Hearing Officer will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

B. Parties' Response to the Investigation Report

A party's written response to the investigation report may include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in "Sexual History" (p. 32), or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the Title IX Coordinator or designee;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the Title IX Coordinator or designee;
- Any objection that the party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting questioning as specified in "Hearing Office and Hearing Notice" (p. 24).
- Any argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Any argument regarding whether any of the allegations in the Formal Complaint constitute Title IX Sexual Harassment.

C. Pre-Hearing Conference

Prior to the hearing, the Hearing Officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the Hearing Officer, the parties, the advisors, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the Hearing Officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the Hearing Officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the Hearing Officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the Hearing Officer determines, in the Hearing Officer's discretion, should be resolved before the hearing.

D. Issuance of Notices of Attendance

After the pre-hearing conference, the Title IX Coordinator will transmit notices of attendance to any person whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the Hearing Officer immediately if there is a material and unavoidable conflict.

Upon request, an attendance notice may be issued to notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

E. Hearing

After the pre-hearing conference, the Hearing Officer will convene and conduct a hearing pursuant to the University's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. At the discretion of the Hearing Officer, the hearing will be

conducted with the Hearing Officer, the parties, the advisors, witnesses, and other necessary University personnel together either in the same physical location or virtually. When the hearing is conducted with participants in the same physical location, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

When the hearing is conducted virtually, video and audio technology will be used where all participants may participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the Hearing Officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the Hearing Officer directly and to respond to questions posed by the Hearing Officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the Hearing Officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief opening and closing statement.

Except as otherwise permitted by the Hearing Officer, the hearing will be closed to all persons except the parties, their advisors, the Investigator, the Hearing Officer, the Title IX Coordinator, and other necessary University personnel. With the exception of the Investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. The parties will not be permitted to question the other party directly.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to "Access to Evidence" (p. 23).

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the Hearing Officer.

Subject to the minimum requirements specified in this Section, the Hearing Officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The Hearing Officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The Hearing Officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

F. Subjection to Questioning

All parties and any witnesses called shall be asked to submit to live questioning by the Hearing Officer and parties' advisors. Other statements that may be considered by the Hearing Officer includes:

- Statements made by the parties and witnesses during the investigation;
- Emails or text exchanges between the parties leading up to or after the alleged violation;
- Statements about the alleged violation that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing; and
- Police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

In applying this Section, the Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the Hearing Officer or parties' advisors.

G. Deliberation and Determination

After the hearing is complete, the Hearing Officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The Hearing Officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of "Subjection to Questioning" (p. 28). The Hearing Officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

H. Sanctions and Remedies

In the event the Hearing Officer determines that the Respondent is responsible for violating this Policy, the Hearing Officer with the Title IX Coordinator will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent to determine any discipline to be imposed. This will be the Executive Director of Human Resources for employees, with consultation with the Provost for Faculty and the Dean of Students for students. The Hearing Officer will also, prior to issuing a written decision, consult

with the Title IX Coordinator who will determine whether and to what extent ongoing supportive measures or other remedies will be provided to the Complainant.

I. Written Determination

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required by “Sanctions and Remedies” (p. 28), the Hearing Officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard (i.e., more likely than not), that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Title IX Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- Any sanction(s) issued;
- Whether the Complainant will receive any ongoing supportive measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University’s process and grounds for appeal, as specified in “Appeal” (p. 29).

The Hearing Officer’s written determination, which will include information regarding appeal rights, will be transmitted simultaneously to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in “Appeal” (p. 29).

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the Hearing Officer’s written determination within 10 business days of the decision.

XXI. APPEAL

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;

- The Title IX Coordinator, Investigator, Hearing Officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within 7 business days of the date they receive notice of dismissal or determination. The appeal must be submitted in writing to the Title IX Coordinator, who will share the appeal with a trained appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Appeal Officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Appeal Officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the Appeal Officer will dismiss the appeal and provide written notice of the same to the parties.

If the Appeal Officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the Appeal Officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within five business days. The Appeal Officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the Appeal Officer will promptly decide the appeal and transmit a written decision within 10 business days to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the Appeal Officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

XXII. POTENTIAL OUTCOMES FOLLOWING A FINDING OF A POLICY VIOLATION

A. Sanctions

When a final determination is made that an individual has violated this Policy, the appropriate sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. Sanctions and corrective actions may include: written or verbal apology, discrimination or harassment education, verbal or written warning, probation, suspension, termination, or dismissal from the University. Employees are advised to consult any relevant handbooks for additional information regarding disciplinary action.

B. Remedies

After a final decision is made that an individual has violated this Policy, the University may also offer additional measures, and/or take other action, to eliminate any hostile environment caused by the Title IX Sexual Harassment, prevent the recurrence of any Title IX Sexual Harassment, and remedy the effects of the Title IX Sexual Harassment on the Complainant and the University community. Remedies that may be offered or provided to a Complainant may include the same individualized services described as Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

XXIII. ADVISOR OF CHOICE

The Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in “Hearing” (p. 26), the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter without the party being included in the communication. In the event a party’s advisor of choice engages in material violation of the parameters specified in this Section and “Hearing” (p. 26), the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in “Hearing” (p. 26), and requests the University to provide an advisor, the University will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney.

The University is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in “Hearing” (p. 26).

XXIV. TREATMENT RECORDS AND OTHER PRIVILEGED INFORMATION

During the investigation and adjudication processes, the Investigator and Hearing Officer, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege; unless the University has obtained the party’s voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the Investigator and/or Hearing Officer, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

XXV. SEXUAL HISTORY

During the investigation and adjudication processes, questioning regarding a Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

XXVI. PRESUMPTION OF NON-RESPONSIBILITY

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XXVII. RESOURCES

Any individual affected by or accused of Title IX Sexual Harassment 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 of University identified resources. The Title IX Coordinator is available to provide information about the University's Policy and procedure and to provide assistance. A list of existing counseling, health, mental health, victim advocacy, visa and immigration assistance, student financial aid, and other services and resources available is located at the following link: <https://www.dom.edu/diversity/resources-and-services>.

XXVIII. CONFLICTS OF INTEREST, BIAS, AND PROCEDURAL COMPLAINTS

The Title IX Coordinator, Investigator, Hearing Officer, Informal Resolution Facilitator, Appeal Officer, and any other Title IX Official will be free of any material conflicts of interest or material bias. Any party who believes one or more of these officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate. The parties will be notified of the identities of the Hearing Officer and Appeal Officer for their proceeding before those individual(s) initiate contact with either party.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Vice President of Justice, Equity, & Inclusion. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Official should be raised with the Title IX Coordinator.

XXIX. OBJECTIONS GENERALLY

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

XXX. ACADEMIC FREEDOM

The University will construe and apply this Policy consistent with the principles of academic freedom specified in the Faculty Handbook. In no case will a Respondent be found to have committed Title IX Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

XXXI. RECORDINGS

Wherever this Policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make audio or video recordings under this Policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this Policy is strictly prohibited.

XXXII. BAD FAITH COMPLAINTS AND FALSE INFORMATION

It is a violation of this Policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this Policy. Violations of this Section are not subject to the investigation and adjudication processes in this Policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other University policies and standards, as applicable, for employees.

XXXIII. RETALIATION

Dominican University strictly prohibits any adverse action against any individual for reporting incidents, providing information, or exercising their rights under this Policy. No individual who makes a complaint alleging a violation of this Policy or who participates in the investigation or resolution of a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation is defined as conduct that 1) adversely affects the individual's employment or their opportunity to access or benefit from the University's programs or activities; and 2) is motivated in whole or in part by the individual's participation in the complaint process. Retaliation exists when action is taken against a complainant or participant during the complaint process or after the resolution of a complaint.

Retaliatory actions include threats or actual violence against a person or that person's property or threats on social media. Retaliation may involve engaging in ridicule, intimidation, bullying, or inciting adverse educational or employment consequences, or colluding with others to embarrass or punish an individual who filed a complaint or participated in an investigation, or hearing. Retaliation is not limited to the Complainant or Respondent— any individual or group of individuals involved in an investigation can engage in or be affected by retaliatory conduct.

The University retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Title IX Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

Any acts of retaliation shall be grounds for disciplinary action, up to and including dismissal from the University for students and termination of employment for faculty and staff.

XXXIV. CONFIDENTIALITY

Every effort is made by the University to preserve the confidentiality of reports. The University will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically in sections "Confidential Reporting" (p.13).

For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the University's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients,

parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see “Confidential Reporting” (p.13). When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

XXXV. SIGNATURES AND FORM OF CONSENT

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXXVI. DEADLINES, TIME, NOTICES, AND METHOD OF TRANSMITTAL

All deadlines and other time periods specified in this Policy are subject to modification by the University where, in the University’s sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the Investigator, Hearing Officer, or the parties; the need to consult with the University’s legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the Title IX Coordinator depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The Title IX Coordinator may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the Title IX Coordinator.

The parties will be provided written notice of the modification of any deadline or time period specified in this Policy, along with the reasons for the modification.

Where this Policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this Policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this Policy will be email using University email addresses.

A party is deemed to have received notice upon transmittal of an email to their University email address. In the event notice is provided by mail, a party will be deemed to have received notice three days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this Policy, the sufficient time to be provided will be determined in the sole discretion of the University, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant University officials; approaching holidays or closures; and the number and length of extensions already granted.

XXXVII. OTHER FORMS OF DISCRIMINATION

This Policy applies only to Title IX Sexual Harassment as defined herein. Complaints of other forms of sex discrimination are governed by the University's Non-Title IX Sexual Misconduct Policy.

XXXVIII. EDUCATION

Because the University recognizes that the prevention of Title IX Sexual Harassment, including Sexual Assault, Domestic Violence, Dating Violence, and Stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. The University's educational programming will comply with the Illinois Preventing Sexual Violence in Higher Education Act and any other applicable federal or state law. To learn more about education resources, please contact the Title IX Coordinator.

XXXIX. OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, AND DELEGATIONS

The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this Policy, including, but not limited to, the Investigator, Hearing Officer, Informal Resolution Facilitator, and/or Appeals Officer.

The University also retains discretion to appoint two or more persons to jointly fulfill the role of Investigator, Hearing Officer, Informal Resolution Facilitator, and/or Appeal Officer.

The functions assigned to a given University official under this Policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Hearing Officer, Informal Resolution Facilitator, and Appeal Officer, may, in the University's discretion, be delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

XL. TRAINING

The University will ensure that University officials acting under this Policy, including but not limited to the Title IX Coordinator, Investigators, Hearing Officers, Informal Resolution Facilitators, University provided advisors, and Appeals Officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii), the Illinois Preventing Sexual Violence in Higher Education Act, and any other applicable federal or state law.

XLI. RECORDKEEPING

The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of at least seven (7) years after which point in time they may be destroyed, or continue to be retained, in the University's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

XLII. DEFINITIONS

Words used in this Policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

XLIII. DISCRETION IN APPLICATION

The University retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the parties.

Despite the University's reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express Policy language, in which case the University retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this Policy and the Hearing Procedures referenced in "Formal Resolution" (p. 24) are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The University may apply Policy revisions to an active case provided that doing so is not clearly unreasonable.

APPENDIX A: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by the University regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by the University to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the University in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement and/or other University officials.

- The right to be informed of available supportive measures on campus and in the community.
- The right to a University-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any University meeting or interview involving another party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding and written determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to be promptly informed of the finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written determination letter delivered simultaneously (without undue delay) to the parties.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.