



RU Policy No. 3.11

Responsible Division: Student Affairs

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Title IX Policy and Procedure

Policy Statement

Roosevelt University is committed to creating and maintaining a campus culture that upholds respect, civility, honor, and nonviolence. The University recognizes that each member of the community shares responsibility for ensuring that the learning and working environment is free from all forms of sexual harassment, including sexual assault, stalking, and intimate-partner violence. In particular, the University recognizes that sexual harassment can function as discrimination by preventing people from participating fully in an educational or professional enterprise. Thus, to create a culture of respect, support, and empowerment, the University will address instances of sexual harassment promptly and equitably and educate all community members to prevent instances of sexual harassment. In these ways, Roosevelt will ensure a safe and open environment for working and learning in which all individuals—faculty, staff, students, administrators, and visitors—are free from discrimination.

The University reserves the right to modify or amend this Policy and Procedure at any time, at its sole discretion. Any change to this Policy will become effective at the time designated above, and the changes will apply to both any person attempting to or participating in Roosevelt University’s educational program or activity. This Policy does not constitute an express or implied contract between Roosevelt University and any past, present, or prospective student, employee (including administrator, faculty, or staff), contractor, or volunteer. The University reserves the right to modify or amend this Policy at any time, at its sole discretion. Any change to this Policy will become effective at the time designated above. This Policy does not constitute an express or implied contract between Roosevelt University and any past, present, or prospective student, employee (including administrator, faculty, or staff), contractor, or volunteer.

This Policy governs conduct on all of the University’s properties, including but not limited to the Auditorium Theatre of Roosevelt University (“ATRU”). Unless otherwise stated, the term “Employee” as used in this Policy shall refer to all employees (including administrators, faculty, and staff), contractors, and volunteers.

Unless otherwise stated, the following definitions apply to this Policy and Procedure:

“Employee” shall refer to all employees (including administrators, faculty, and staff), contractors, and volunteers.

Every Employee at the University is a “Responsible Employee,” except for those in specific roles that grant them confidentiality privileges by law (e.g., school therapists, doctors, Confidential Advisors, and clergy).

“Employment decisions” shall refer to the terms and conditions of an employment applicant or Employee’s employment with the University, including recruiting, hiring, training, compensation, promotion, demotion, transfer, layoff, termination, and other terms and conditions of employment.

“Student” shall refer to all prospective and current students of the University.

“Educational decisions” shall refer to the terms and conditions of a student applicant or Student’s education at the University, including access to educational, extracurricular, or athletic programs, grades, and learning environment.

“Confidential Advisor” is a person affiliated with the university who provides emergency and ongoing support to Roosevelt University students, staff, and faculty who are survivors of sexual violence. The Illinois Preventing Sexual Violence in Higher Education Act grants confidential advisors the right to provide confidential services to and have privileged, confidential communications with survivors. Thus, the advisor is not a “responsible employee” who would be otherwise obligated to report the sexual violence. Annually, Confidential Advisors receive a minimum of 6 hours of training. They assist survivors by providing reporting options and possible outcomes, sharing resources and services, informing survivors of their rights and the University’s responsibilities regarding orders of protection and no contact orders, help the survivor understand the sexual harassment investigatory process. Upon the survivor’s request, the Confidential Advisor is able to liaise with campus officials, community-based sexual assault crisis centers, and local law enforcement, as well as assist with securing interim protective measures and accommodations for the survivor.

“Formal Complaint” is filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the university investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator. Where the Title IX

Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must comply with the requirements of the Title IX Coordinator position as outlined in the definition.

“Respondent” a person who has been reported as the alleged aggressor in a situation involving sexual harassment.

“Complainant” an individual alleging to be a victim of sexual harassment, who is a participant or individual seeking to participate in the university educational program or activity.

“Sexual Harassment” is “conduct on the basis of sex” that is determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the school’s education program or activity; an employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct; or sexual assault, dating violence, domestic violence, or stalking as those terms are defined in VAWA.

Sexual Harassment will only be investigated if the alleged incident occurred while a participant or prospective participant in the educational program or activity, on or in any building owned or substantially controlled by the University or student organization officially recognized by the University, within the United States. Instances of sexual harassment in an online environment are covered by this definition and will be investigate pursuant to this policy.

Sexual Harassment includes quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence and stalking.

“Third Party Reporter” is a person who submits a report of potential sexual harassment but is not the potential victim of sexual harassment nor the potential aggressor.

“Title IX Coordinator” reports to the Vice President for Student Affairs and oversees the entire Title IX function of the University, which includes, but is not limited to the following:

1. Oversees the investigation and resolution of all reports of sexual harassment so that they are handled in a prompt and equitable manner;
2. As necessary, appoints deputy coordinators and investigators who will be trained in state and federal laws that apply to matters of Title IX sexual harassment, as well as University policy and procedure;
3. Facilitates investigator trainings;
4. Meets with any individual, whether a complainant, a responding party, or a third party, to discuss supportive measures, resources, and procedural options on and off campus;
5. Emergency removal of a party as an interim measure may be invoked after the University conducts an individualized safety and risk analysis and determines that the physical health or safety of any student or individual arising from the allegations of sexual harassment justifies removal.
6. Ensures prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
7. Oversees on-going and annual climate checks, tracking, and monitoring of sexual harassment allegations on campus;
8. Keeps archives of all records related to cases for a minimum of seven years, per requirements of the Clery Act;
9. Oversees all training, education, and prevention efforts.

“Deputy Title IX Coordinator” serves as the investigator for sexual harassment reports that involve an employee of Roosevelt University. The Deputy Title IX Coordinator will investigate and submit an investigation report to the Title IX Adjudicator assigned to the case.

“Title IX Investigator” is responsible for facilitating the investigatory process when a potential act of sexual harassment has taken place. The investigator seeks, analyzes, and interprets all evidence. Additionally, the investigator meets with and interviews witnesses, parties to the complaint, and other entities with knowledge concerning the case. Resultantly, the investigator will submit an investigation report to the Title IX Adjudicator.

“Title IX Adjudicator” is responsible for conducting a live hearing in which each party has the opportunity to cross examine the opposing party. Additionally, the Title IX Adjudicator is responsible for providing a written determination of an individual's responsibility on the basis of the University's standard of proof. The Title IX

Adjudicator will make this determination after review of the information gathered in the investigation and hearing.

“Title IX Advisor” is an advisor who assists the complainant or respondent during investigations and live hearings, in which the advisor will ask and answer questions presented during the cross examination. Title IX Advisor’s are available for either party, reporting or responding, if that party is unable to secure an advisor on their own.

“University Business Day” - a business day where the University is open and fully functional. This excludes but is not limited to the following: university holidays, weekends, or major unforeseen disruption(s) to the university operations.

Policy

The following is the University’s policy with respect to sex-based discrimination under Title IX. This policy covers sexual harassment. Sexual harassment conduct will be addressed by the procedures of this policy if the following apply: (1) by an individual participating in the University’s educational program or activity, (2) the conduct occurred within the United States, and (3) the location of the conduct occurred in a building that the university has control or ownership of.

An Employee who violates this Policy will be subject to disciplinary action, up to and including termination. A Student who violates this Policy will be subject to disciplinary action up to and including expulsion. Any person, excluding Confidential Advisors and RU Counseling Center Staff, who has a good faith belief that they have experienced or witnessed a violation of this Policy must report the incident to the Office of Title IX Compliance.

Anti-Discrimination and Anti-Harassment

It is a violation of University policy to discriminate on the basis of sex in employment decisions or in educational decisions. It is also a violation of University policy to harass another person for any reason, regardless of whether the conduct is of a sexual nature. For additional information, please also see the RU Policy No. 2.1 (Policy Prohibiting Discrimination, Harassment, Bullying, and Retaliation).

Prohibited Sexual Misconduct

It is a violation of University policy to engage in any form of Sexual Harassment against any Employee or Student, regardless of that person’s gender, gender identity, or sexual orientation. The following are examples of Sexual Misconduct that are prohibited by this Policy: (1) sexual harassment, (2) sexual assault, (2) sexual exploitation, (4) stalking, (5) domestic violence, and (6) dating and relationship violence.

1. Sexual Harassment - sexual harassment consists of quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence and stalking.

Sexual Harassment is conduct, on the basis of sex, that is unwelcomed and is severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's educational program or activity.

- a. Sexual harassment is not only harassment, but is also a form of discrimination. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of such conduct is used as the basis for employment decisions (for Employees) or educational decisions (for Students), or when such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment. Harassment may be on any number of bases, including but not limited to gender-based harassment (e.g., based on gender, sex, or sex-stereotyping, whether or not those acts involve conduct of a sexual nature), sexual orientation-based harassment (e.g., based on actual or perceived heterosexuality, homosexuality, bisexuality, or transsexuality).
 - b. There are three forms of sexual harassment:
 - i. Verbal Sexual Harassment: Innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates), and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature, unwelcome, and offensive.
 - ii. Non-verbal Sexual Harassment: Distribution, display, or discussion of any written or graphic material (e.g., calendars, posters, or cartoons) that are sexually suggestive or show hostility toward an individual or group because of sex, suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in correspondence, or other form of communication that is sexual in nature, unwelcome, and offensive.
 - iii. Physical Sexual Harassment: Unwelcome physical contact (e.g., touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault).
 - c. Quid pro quo harassment, where submission to the harassment is used as the basis for employment decisions or educational decisions. For example:
 - i. A supervisor promises to give an employee a raise if she goes on a date with him; or a supervisor telling an employee she will fire him if he does not have sex with her.
 - ii. A faculty member promises to give a student a good grade if she goes on a date with him; a faculty member threatens to give a student a bad grade if he does not have sex with her.
2. Sexual Assault: Sexual Assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Such contact falls within two primary categories:
- a. Non-consensual sexual contact: Any intentional sexual touching, however slight, with any object, by a person(s) upon a person(s) without effective consent.

- b. Non-consensual sexual intercourse: Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person(s) upon a person(s), without effective consent.
- c. With respect to “effective consent,” the University upholds the standard of affirmative consent, which means consent given freely, willingly, and explicitly to engage in sexual activity on that occasion. According to this standard:
 - i. Consent can be given by words or actions, so long as those words or actions create mutually understandable and clear permission regarding willingness to engage in and the conditions of sexual activity.
 - ii. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity.
 - iii. Consent to past activity does not equal consent to future activity.
 - iv. A prior or current relationship does not give consent to future sexual activity.
 - v. Silence or an absence of resistance does not imply consent.
 - vi. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
 - vii. Consent can be withdrawn at any time.
 - viii. Lack of resistance, submission, or manner of dress does not equal consent.
 - ix. Coercion, force, or threat of either invalidates consent.
 - x. An unconscious or incapacitated person cannot give consent.
 - xi. It is a violation of the standard of affirmative consent if the responding party believed that the complainant consented to the sexual activity under either of the following circumstances:
 - xii. The accused’s belief in affirmative consent arose from the incapacitation or recklessness of the accused.
 - xiii. The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
 - xiv. The affirmative consent standard has been violated in any case wherein the responding party knew or reasonably should have known that the complainant was unable to consent to sexual activity under any of the following circumstances: The complainant was unconscious.
- d. The complainant cannot consent if unable to understand the nature of the activity. Pointedly, a person cannot give consent due to circumstance such as incapacitation, meaning that they were unable to provide affirmative consent for sexual conduct. An incapacitated person may, because of an injury, disability, medication, or the use of drugs or alcohol, lack the capacity to give consent freely, willingly, and explicitly.

3. **Sexual Exploitation:** Sexual Exploitation occurs when an individual takes, or attempts to take, non-consensual or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.
4. **Stalking:** Stalking occurs when a person is harassed or threatened in such a way that causes the individual to fear for their safety or the safety of their family. Stalking can occur in various forms including, but not limited to, in person, through third parties, and electronically (e.g., by phone, internet, or text message).
5. **Domestic Violence:** Domestic Violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
6. **Dating and Relationship Violence** Dating and Relationship Violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. These acts may be directed toward a spouse, an ex-spouse, or a current or former boyfriend/girlfriend/romantic partner/dating partner. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Responsible Employees' Reporting Obligations

It is a violation of University policy for a Responsible Employee to fail to promptly report information about an instance of alleged, witnessed, or reported Sexual Misconduct to the Title IX Coordinator. A Responsible Employee is generally one who: (a) has the authority to take action to redress sexual harassment, (b) has been given the duty of reporting incidents of sexual harassment to the Title IX Coordinator, or (c) a student could reasonably believe has this authority or duty.

Complaints and Anti-Retaliation

It is a violation of University policy to retaliate against a person who submits or participates in the investigation of a complaint of conduct that violates this Policy. For additional information, please also see the RU Policy No. 2.1 (Policy Prohibiting Discrimination, Harassment, Bullying, and Retaliation) and the Good Samaritan Protocol in the Roosevelt University Student Handbook.

Procedure

The following procedures are intended to guide the reporting and investigations of a complaint of conduct that violates this Policy. For additional information, please also see the RU Policy No. 2.1 (Policy Prohibiting Discrimination, Harassment, Bullying, and Retaliation) and the Good Samaritan Protocol in the Roosevelt University Student Handbook.

Confidentiality in Reporting Sexual Misconduct

On occasion, a witness (including complainant and respondent) may say something to a member of the TIX team and ask that it be kept confidential. It is possible that the University (except for Confidential Advisors and Counseling Center Staff) will not be able to honor an individual's request for confidentiality; instead, the University must prioritize its obligation to provide a safe, non-discriminatory environment for all members of the University community.

For example, a complainant might request that the University refrain from investigating and/or issuing discipline in a particular case. In weighing the individual's request, the TIX Coordinator will consider a range of factors, including the increased risk that the alleged perpetrator(s) will commit additional acts of sexual harassment, such as:

- Whether there have been other sexual harassment complaints about the same alleged perpetrator;
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- Whether the alleged perpetrator threatened further sexual harassment or other violence against the victim or others;
- Whether the sexual harassment was committed by multiple perpetrators;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the individual who experienced sexual harassment is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence); and
- Whether the complainant party's report reveals a pattern of coercion (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the TIX Coordinator to initiate a formal investigation and if appropriate, pursue disciplinary action. The TIX Coordinator's decision to initiate a formal complaint must not be clearly unreasonable. Where the TIX Coordinator decides to move forward with a formal investigation without the participation of the complainant, the TIX Coordinator must document their rationale and articulate why their decision is not clearly unreasonable under the circumstances. The TIX Coordinator must also provide written notice to the complainant of this rationale prior to the start of the formal investigation.

Where a report of sexual harassment is received but not formal investigation is initiated, the TIX coordinator must document the rationale for why the actions taken were not deliberately indifferent.

Further, if the University determines that it cannot maintain a complainant's confidentiality, the University will inform the ***complainant prior*** to starting a formal investigation and will, to the extent possible, only share information with those involved in the resolution of the TIX case.

At the same time, the University will remain ever mindful of the complainant's well-being and will take ongoing steps to protect the ***complainant from*** retaliation or harm and work with the complainant to create a safety plan as long as it is warranted. Retaliation against the complainant,

responding party, or witnesses in the investigation, whether by students, University employees, or others, is prohibited.

The University will also:

- Assist both parties in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the responding party pending the outcome of an investigation) or adjustments for assignments or tests as long as it does not cause an undue burden to the respondent; and
- Inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

Reporting Sexual Misconduct

There are generally four ways to report Sexual Misconduct: (1) to the Title IX Coordinator; (2) online https://cm.maxient.com/reportingform.php?RooseveltUniv&layout_id=9 ; (3) to a Confidential Advisor; or (4) to a Responsible Employee.

1. Reporting to Title IX Coordinator

Roosevelt University's Title IX Coordinator can be contacted by telephone (312-341-2045), email (TitleIX@roosevelt.edu),

In case of an emergency, call Roosevelt University Campus Safety or the Chicago police department at 911:

- a. Campus Safety:
 - a. Chicago Campus (312) 341-2020
 - b. Schaumburg Campus (847) 619-8989
- b. Chicago Police:
 - a. Chicago Campus, the Chicago Police Department may also be reached directly by calling 911, or in person at the 1st. District-Central Station, 1718 South State Street, Chicago, IL 60616. Additional information about the Chicago Police Department may be found online at: www.chicagopolice.org.
- c. Schaumburg Police:
 - a. At the Schaumburg Campus, the Schaumburg Police Department may be reached directly by calling 911, or in person at 1000 W. Schaumburg Rd. Schaumburg, IL 60194. Additional information about the Schaumburg Police. Department may be found online at: www.ci.schaumburg.il.us/psafety .
- d. Lake County Police Department may be reached directly by calling 911
- e. Peoria Police Department may be reached directly by calling 911

2. Reporting Online

Reports can also be made at any time through an online reporting form here:

https://cm.maxient.com/reportingform.php?RooseveltUniv&layout_id=9

3. Reporting to the Counseling Center or Confidential Advisor

A Counseling Center Therapist is a professional, licensed counselor who provides mental health counseling to members of the Roosevelt University community – including those who act in that role under the supervision of a licensed counselor – and are an exception to the University’s limitations on maintaining confidentiality.

The Illinois Preventing Sexual Violence in Higher Education Act grants Confidential Advisors the right to provide confidential services to and have privileged, confidential communications with survivors. In addition, individuals who work in the Counseling Center including front desk staff, and student workers, are also not required to report any information about an incident to the Title IX Coordinator; however, with the complainant’s permission, employees of the Counseling Center may share information about the incident(s) of sexual harassment with the Title IX Coordinator.

There are only a few instances in which a Confidential Advisor will have to break confidentiality and disclose information that they have received:

- If the Confidential Advisor receives written permission from the disclosing person allowing the Confidential Advisor to share information with the person’s family, doctor, or University personnel;
- If the Confidential Advisor believes that the person may seriously injure self or another person;
- If the Confidential Advisor is court-ordered to provide information about person’s disclosure, assessment, or evaluation; or
- In the event a person indicates abuse, neglect, or exploitation of a child under 18 years of age or an individual age 60 or older who is unable to adequately care for him/herself.

Roosevelt University’s Confidential Advisors provide emergency and ongoing support to Roosevelt University students, staff, and faculty who are survivors of sexual violence.

They:

- Are available 24 hours per day
- Assist survivors by providing reporting options and outlining possible outcomes
- Share resources and services that exist on and off campus
- Explain survivors’ their rights and their options regarding orders of protection and no contact orders
- Help the survivor understand the sexual harassment investigatory process

- Upon the survivor's request, liaise with campus officials, community-based sexual assault crisis centers, and local law enforcement, as well as assist with securing interim protective measures and accommodations for the survivor

The following is the contact information for the Counseling Center:

Website: <https://www.roosevelt.edu/counseling>

Phone (both campuses): 312-341-3548

Locations:

- Chicago Campus: 430 South Michigan Ave, Room 470 (4th Floor), Chicago, IL 60605
- Schaumburg Campus: 1400 N. Roosevelt Boulevard, Room 114, Schaumburg, IL, 60173

4. Reporting to a Responsible Employee When an individual tells a Responsible Employee about an incident of sexual harassment:

- The Responsible Employee is required to report this information to the Roosevelt University Title IX Coordinator. The Responsible Employee must notify the Title IX Coordinator of all relevant details about the alleged sexual harassment shared by the individual, including the names of the complainant and responding party(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.
- Responsible Employee will direct complainant to the Title IX Coordinator who will assist the individual in accessing the information and resources for necessary protection and support such as medical care, reporting to the police, victim advocacy, academic support or accommodations, disability, health, or mental health services, and changes to living, working, or course schedules.
- In turn, the individual can expect that the University will take immediate and appropriate steps to review what was reported, evaluate whether or not an investigation is appropriate, and to resolve the matter promptly and equitably.

A Responsible Employee is not an investigator and should receive information from the individual as it is offered without engaging in investigative questioning. If the individual wants to tell the Responsible Employee what happened but also maintain confidentiality, the Responsible Employee should tell the individual that the University will consider the request but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the individual's request for confidentiality.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the complainant's consent or unless the individual has also reported the incident to law enforcement.

Investigatory Rights and Procedures following a Report of Sexual Misconduct

After sexual harassment is reported, there are generally two methods for resolving the complaint: (1) the informal resolution process, or (2) the formal Title IX investigation. Each will be addressed below in turn. It is important to note that an alleged instance of Sexual Misconduct may also be a violation of federal, state, or local law. A Complainant is always free to report such allegations to the police to be resolved in that manner.

Informal Resolution

Only after a formal complaint is filed, can the voluntary use of an informal resolution process be initiated. Informal Resolution can be used at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process.

The purpose of informal resolution is to address disagreements, arguments, or disputes about Title IX issues or low-level alleged forms of Sexual Misconduct. All Students may request an informal resolution for low-level alleged forms of Sexual Misconduct; however, the Office of Title IX Compliance will have the final say on which cases are eligible for this as an option instead of the formal investigative process. Relatedly, any party may request that the informal resolution process be terminated at any time, in which case the formal investigative process would commence. In addition, the University may, at its discretion, commence the formal investigative process at any time.

A person who is asked to attend an informal resolution session will be expected to participate fully and cooperate with the process. If a person does not attend the session or does not participate or cooperate, the person may be subject to the formal Title IX process. Successful completion of the informal resolution process does not necessarily resolve issues in other areas including the Office of Student Rights and Responsibilities' misconduct process, which address all other types of student misconduct not included in this policy.

An Informal Resolution process may also include a remedies-based process (e.g., mediation), which allows both parties to reach a mutual agreement regarding the resolution of the grievance. This process is facilitated by the Title IX Coordinator or a trained designee. For example, both parties may agree that the permanent application of supportive measures (e.g., no contact agreement) may be sufficient to resolve the grievance. This option is available if (i) a formal complaint is filed (ii) the University determines, in its discretion, that such a process would be appropriate; (iii) all parties agree to participate; (iv) a final determination has not been made in the formal TIX investigation; (v) and the University has provided the parties with the required written notice of the allegations and also describing the parameters of the informal resolution process.

The written notice must include a statement that a party is permitted to withdraw from the informal resolution process and resume the formal process at any time prior to a resolution being reached.

The parties to any Informal Resolution process will not be required to interact directly with one another without the University's involvement. Instead, the Title IX Coordinator or a trained designee may arrange for, or facilitate, a mediation between the involved parties and coordinate other necessary measures.

Once an Informal Resolution process is complete, both parties will be notified simultaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a finding and responding parties are not charged with a policy violation and are not found to be "responsible" or "not responsible" of a sexual harassment policy violation, unless the Title IX Coordinator has commenced the formal Title IX investigation. This process will instead be documented in a report housed within the Office of Title IX Compliance recording what occurred and what resolution was agreed upon. The results of the Informal Resolution cannot be appealed, per se. If a party is dissatisfied with the resolution proposed in the Informal Resolution, they can request that the formal Title IX investigation be commenced. Once all parties agree to the resolution proposed in the Informal Resolution, the decision is no longer eligible to be reviewed via the formal Title IX investigation.

The informal resolution process is not available in any case where an employee is accused of sexually harassing a student.

Formal Title IX Investigation

Roosevelt's formal obligation to investigate a report of sexual harassment under this grievance procedure is triggered by the filing of a "formal complaint". A formal complaint is a physical or electronic document signed by an alleged victim of sexual harassment or the TIX Coordinator specifically requesting an investigation. Where the Title IX Coordinator brings forth a formal complaint, the university acts as the complainant and will appoint a Title IX Advisor to act in proxy of the alleged victim.

At the time of the filing of a formal complaint, the complainant must be participating in or attempting to participate in the school's education program or activity. The TIX Coordinator has the authority to file a formal complaint based on a report made by a third party only after consulting with the alleged victim and only if filing a University complaint is not clearly unreasonable under the facts and circumstances.

The formal TIX investigation has three key phases; investigation, formal TIX hearing, and appeal, each of which is described below. First, however, it is important to understand the rights of the parties during the investigation.

Individual Rights during the Investigative Process

Upon receiving actual knowledge of a potential violation of TIX, the TIX Coordinator will promptly contact the alleged complainant and offer supportive measures. In the event a formal complaint is filed, and an investigation is started, the supportive measures must also be offered to the respondent. Supportive measures are non-disciplinary in nature, reasonably available without fee or charge, and are designed to restore or preserve equal access to the University's educational programs and activities without unreasonably burdening the other party.

Further, if reasonably available and without prompting, the University may offer all parties supportive measures that may include, but not be limited to changes to academic schedule, housing, dining, student organization participation, transportation, and working situations, etc. Supportive measures also include obtaining and enforcing campus no contact orders and honoring court ordered protection. The TIX Coordinator will work with appropriate University officials to provide those accommodations. To request supportive measures, contact the TIX Coordinator.

The University can interimly remove a respondent on an emergency basis provided that an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of the complainant or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately after the removal. After receiving notice of an interim removal, the respondent(s) will have (5) university business days to submit their appeal.

The University is obligated to adhere to the State of Illinois requirement under the Preventing Sexual Violence in Higher Education Act to provide sexual assault survivors with concise information on survivor's rights and options. Complainants are provided with the Violence Against Women's Act Complainant and Respondents document which can be viewed here: <https://www.roosevelt.edu/title-ix/rights-and-resources>

Additionally, personally identifiable information (PII) about the complainant and respondent will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The University does not publish the name of individuals who have been involved in an alleged incident of sexual harassment nor house PII regarding individuals who have been involved in the Campus Safety Department's Daily Crime Log or in timely warnings.

As a general matter, individuals inside and outside the University may request directory information for students including any of the following: student's name; address (local); email (Roosevelt); photograph; major field(s) of study; dates of attendance; degrees awarded; participation in officially recognized activities; weight and height of athletes; and honors and awards. Individuals who do not want "directory information" to be disclosed must notify the

Office of the Registrar by completing a “request to Withhold Directory Information” form at <https://www.roosevelt.edu/-/media/Files/pdfs/registrar/WithholdDirectory.pdf>

Lastly, if the incident has been reported to the police, the University TIX Staff will cooperate with law enforcement. The outcome of a criminal or civil investigation has no bearing on the University TIX sexual harassment process or outcome.

The following procedural rights are also guaranteed under this policy for both the complainant and respondent during each of the 3 phases of the TIX process.

1. Complainants and Respondents must be treated equitably.
2. There must be an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
3. There can be no presumptions of credibility based on a party’s status as complainant, respondent, or witness.
4. All University Title IX participants in the process must be free of a conflict of interest or bias.
5. There must be a presumption that the Respondent is “not responsible for the alleged conduct” until a determination is made at the conclusion of the process. This presumption must be stated in the initial written notice provided after a formal complaint is made.
6. There must be reasonably prompt timeframes for completion of various phases of the process, including delays. If “good cause” for delay exists, the parties must receive written notice of the cause for delay.
7. Both parties must be informed of critical information about the University’s procedures including the range of remedies and disciplinary sanctions the University may impose, the standard of evidence applied by the University to all Formal Complaints, the University’s appeals procedures, and supportive measures available.

Investigation

1. Following the filing of a formal complaint, the TIX Coordinator will assign a TIX Investigator and TIX Hearing Adjudicator to the case.
2. The complainant and respondent will each receive notification in writing from the Investigator which should provide sufficient details of the alleged violation including identities of the parties involved, specific sections of the policy that were violated, specific accusations of behavior and specific dates/times. This notification will include a description of the process to be utilized, a written notice that the respondent is presumed not responsible and that a determination will not be made until the conclusion of the TIX process. It will further advise the parties of their right to an advisor of their choice and the penalties for providing false information to the University. It will also include an invitation to attend a separate initial conference with the Investigator assigned to the case. The purpose of an initial conference is to inform the complainant and respondent of their rights, the Title IX process, to review any information that has been collected to that point, and to gather initial statements from the parties.

3. If the scope of the investigation expands, the University must issue a supplemental written notice providing additional details that also meet this standard.
4. The university, at its discretion, may consolidate multiple complaints involving different persons when they arise from the same facts or circumstances.
5. The parties must reply to the investigator within three (3) university business days after the notice has been sent to set up an initial conference, barring any scheduling difficulties with the investigator.
6. The parties each have the right to attend an initial conference with a trained Title IX investigator who does not have a conflict of interest or bias for or against either party. If a conflict or bias exists, either party has a right to request a new investigator and the Title IX Coordinator will appoint a different investigator who does not have a conflict of interest or bias.
7. Both parties will be asked to make an initial statement at each of their respective initial conferences. Both parties will also be asked to identify relevant witnesses, this includes both fact and expert witnesses.
8. During the investigation, the burden of proof and burden of gathering evidence rests on the University.
9. During the investigation, the University may not restrict the ability of either party to discuss the allegations or to gather and present relevant evidence.
10. Any person called to a formal Title IX investigation may bring an advisor for support unless that advisor's presence causes undue delay. Advisors may not participate verbally in investigatory meetings, in any way. Advisors may confer with the parties but may not speak on the parties' behalf in the investigatory meeting. The name and occupation of the advisor must be provided to the investigator at least 1 university business day prior to the meeting.
11. The University will provide written notice to the parties and witnesses of any interview or meeting that the individual is expected to attend during the investigatory period, with sufficient time for the party to prepare to participate, to include: the date, time and location, the participants, and the purpose. Sufficient time is defined as 3 university business days' notice.
12. The investigator may call witnesses at their discretion in order to support the fact-finding investigation. Any act of retaliation against witnesses for their participation in an investigation of Sexual Harassment constitutes a separate violation of University policy: Title IX Policy and prohibiting retaliation.
13. The University will allow both parties timely and equal access to each other's statements and to any new information collected throughout the investigation. At a minimum, the **University must** send the evidence to the parties and the parties' advisor in electronic form and give them at least 10 university business days to submit a written response, which the investigator must consider before finalizing the investigation. The **University must** make the evidence available to both parties again at any hearing, including for use in cross examination.

14. At any point in the investigation, if the investigator, in consultation with the TIX Coordinator, determines that the conduct alleged in the formal complaint, if assumed true:

- a. Does not constitute sexual harassment;
- b. Did not occur in the University's education program or activity; or
- c. Did not occur against a person in the United States

Then the University must dismiss the complaint for purposes of this policy. The University retains the ability to address such conduct under the Student Code of Conduct. Apart from these mandatory dismissal provisions, the University may dismiss a formal complaint at any time if:

- a. The complainant would like to withdraw the complaint;
- b. The respondent is no longer enrolled or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination

15. The investigation must result in an investigation report that fairly summarizes the investigation and that must be completed at least 10 university business days prior to the hearing and sent to each party and their advisor for review and written response.

16. The investigator will conclude their work by sending a final copy of the investigation report to the TIX Hearing Adjudicator. After a maximum of 90 university business days have passed since the filing of the formal complaint, the investigator will close the investigation. New evidence or information from the Reporting Party or Responding Party must be presented on appeal after the Title IX Adjudicator has issued a written determination of responsibility letter, which will reflect the decision of the University.

Formal TIX Hearing

1. Following the investigation period, the parties will each receive notification in writing to attend the formal Title IX hearing, with the TIX Hearing adjudicator assigned to the case.
2. The formal TIX hearing can take place no sooner than 10 university business days after the investigator sends the final investigation report to the TIX Hearing adjudicator.
3. The formal TIX hearing must use a live hearing format. During the live hearing, the TIX Hearing adjudicator must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those bearing on credibility.
4. Cross examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party is unable to obtain an advisor, the University must provide one free of charge for the purpose of conducting cross examination for the party.
5. At either party's request, the University must provide the parties with separate rooms and use technology so the TIX Hearing adjudicator and parties may simultaneously see and hear the witness answering questions.
6. If a party or witness refuses to submit to cross-examination, the Adjudicator is required to ignore that person's statement and reach a decision based on the remaining body of

relevant evidence. The Adjudicator, however, is not permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross examination.

7. The University will make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review. The parties may not make an audio or video recording of the proceedings themselves.
8. Hearing Format: Hearings will follow the sequence below. Modifications to this order may be made at the discretion of the Title IX Adjudicator to accommodate special circumstances. The hearing is not conducted as a court proceeding; therefore, the State and Federal rules of evidence do not apply, except for rules regarding rape shield provisions.
 - a. Reading of Cited Violations: The Title IX Adjudicator will convene the hearing by reading the alleged violation(s) and requesting that all persons present state their identity for the record
 - b. Opening Remarks: The complainant/university and the respondent may each make opening remarks for the purpose of providing the Title IX Adjudicator with a short summary of information regarding the complaint and the materials to be presented. The statement of both parties will not exceed 10 minutes. The complainant/university will provide their opening remarks first. (This order will be followed in all subsequent sections of this policy). When the university acts as the complainant, the university will appoint a Title IX Advisor to question, present evidence, and cross examine witnesses.
 - c. Presentation of Information - The complainant or university will first present any information they believe to be relevant (i.e. witnesses, witness statements, documents, photos, written reports, objects related to the incident) followed by the respondent. The Title IX Adjudicator, at their discretion, may deem any piece of information irrelevant to the proceedings and may bar its consideration. The Title IX Adjudicator must provide an explanation for their decision not to admit the evidence to the hearing.
 - d. Cross Examination - A party or witness is subject to cross examination by the opposing party after completion of the questioning by the complainant/university or respondent's advisor. Before either party or a witness answers a cross-examination or other question, the TIX Hearing Adjudicator must first determine whether the question is relevant. Decisions about the relevance of any question are at the sole discretion of the TIX Hearing Adjudicator. An advisor may object to questions during cross examination based on relevance, but the adjudicator has exclusive responsibility to determine whether or not the question will be allowed. The adjudicator must explain in real time any decision to exclude a question as not relevant.
 - i. Questions concerning a party's sexual history are generally not permitted, subject to narrow exceptions where the question is offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

- e. Final Remarks: The complainant/university and respondent will each be given an opportunity to make final remarks. The final remarks should be a short summary of the materials and statements presented and should not exceed five (5) minutes.
9. After the conclusion of the Formal TIX Hearing, the TIX Hearing adjudicator must issue a written determination of responsibility applying the institutions preponderance of the evidence standard: “more likely than not to have occurred.” In other words, “is it more likely that not that the respondent violated the sexual harassment policy?” There must be a 51% likelihood that a violation occurred.
 - a. The written determination must have several required elements, including:
 - b. Identification of the allegations at issue;
 - c. Description of the procedural steps taken throughout the case;
 - d. Findings of fact supporting the determination;
 - e. Conclusion regarding application of the TIX policy;
 - f. A statement and rationale as to the determination of each allegation;
 - g. A statement of any disciplinary sanctions and whether any remedies will be provided to the complaint; and
 - h. A description of the procedures and permissible grounds for appeal.
10. The University must provide the written determination to the parties at the same time. The written determination becomes final upon the earlier of when: (i) the parties are notified of the determination after appeal; or (ii) the time to file an appeal has passed with neither.
11. The TIX Adjudicator is provided forty-five (45) university business days, after receipt of the investigation report, to conduct the TIX Hearing and provide a written determination of responsibility to both parties.

Examples of Sanctions

Possible sanctions include, but are not limited to: written warning; educational sanctioning; restitution; completion of community service; disciplinary probation; suspension from the University, a program or activity for a specific period of time; denial of readmission to the University or to a University program or activity; removal from a residence facility or cancellation of residence contract; expulsion from the University, a program, or activity on a permanent basis; and suspension or termination from one’s job.

Guests and visitors of the University, including of the Auditorium Theatre, may be permanently banned from University premises.

Appeal Rights and Procedures

1. Either party is allowed to appeal the outcome of the TIX process or any dismissal of the complaint, on the following grounds.
 - a. Procedural irregularity that affected the outcome of the case. The appealing party must demonstrate that the irregularity was more than a harmless error but was in fact a prejudicial error;

- b. New evidence has become available, that was not available at the time of the formal TIX hearing, and could have had an effect on the outcome of the case;
 - c. Conflict of interest or bias by the university TIX staff affected the outcome
 - d. The sanction(s) are thought to be disproportionate to the violation(s)
- 2. The appeal should include a detailed description of why the appeal should be allowed based on the above criteria.
- 3. Either party making an appeal will have 10 university business days from the send date of the written determination to submit their appeal to the TIX Appeals Officer.
- 4. The non-appealing party must be notified of the appeal and allowed to submit a written statement in response. The non-appealing party will have 10 university business days, from the date of the appeal notification, to submit the written response. Responses received after this deadline will not be considered.
- 5. The Appeals Officer can't be the same person as the TIX Hearing Adjudicator, the TIX Coordinator, or the investigator who worked on the case.
- 6. The Appeals Officer may deny the request for an appeal if at none of the above criteria is not met; further, the original finding and any assigned sanctions will stand unless and until the appeal is completed.
- 7. The Appeals Officer may use their discretion to resolve the appeal based solely upon the written documentation from the investigation, formal TIX hearing or written determination letter. They may, in their discretion, also decide *if they* would like to meet with the parties. If the Appeals Officer meets with one party, they must meet with the other party as well. They may choose to meet with some, but not all witnesses at their discretion. The guidelines for meeting requests will follow the same principles as described in the investigatory section.
- 8. Upon completion of the appeal review, the Appeals Officer may make any of the following decisions:
 - a. Uphold the original decision and sanction(s);
 - b. Overturn the original decision; remove or reduce any sanction(s)
 - c. Assign additional sanctions up to and including dismissal from the University
 - d. The appeal process must conclude with a written decision describing the appeal and the rationale for the result that is provided to the parties simultaneously.
- 9. The Appeals Officer is given forty-five (45) university business days, after receipt of the appeal, to issue a written outcome to both parties.
- 10. The decision of the Appeals Officer is final. No other appeals, on the same case, will be granted by the University.

Entities Affected by this Policy

All Divisions of the University.

Related Documents

It is possible for an individual's conduct to violate both this Policy and Procedure other University policies, including but not limited to where a person has been harassed because of their sex, sexual orientation, gender identity, or gender expression as well as because of their

age, ancestry, citizenship, color, creed, disability, genetic information, marital status, military status, national origin, parental status, pregnancy, race, religion, source of income, unfavorable discharge from military service, veteran status, as a result of being the victim of domestic or sexual violence or other status protected by law. In those instances, the University will coordinate the investigation and resolution efforts to address all such bases for harassment. For more information, see RU Policy No. 2.1 (Policy Prohibiting Discrimination, Harassment, Bullying, and Retaliation); RU Policy No. 2.5 (Policy on Consensual Romantic or Physical Relationships); RU Policy No. 2.7 (Abused and Neglected Child Policy); RU Policy No. 2.8 (Equal Employment Opportunity Policy); RU Policy No. 3.11 (Title IX Policy). Please also reference any complaint resolution or other procedures implemented pursuant to this Policy.

Revision and Implementation

The Vice President of Student Affairs shall have the authority to revise this Policy and Procedure, subject to the approval of the President's Executive Council. The Policy and Procedure shall be reviewed and updated on at least an annual basis. This Policy is available in hard copy in the Office of Title IX Compliance and the Office of Human Resources, and in electronic format at: <https://www.roosevelt.edu/policies>.

The following shall have the authority to establish any procedures necessary to implement this Policy and Procedure:

- The Vice President of Human Resources; and
- The Vice President of Student Affairs.