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Sexual Misconduct (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 discrimination and misconduct related to sex or gender, including sexual harassment, sexual assault, stalking, and intimate-partner violence. In particular, the University recognizes that sexual misconduct 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 misconduct promptly and equitably, and educate all community members to prevent instances of sexual misconduct. 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 prospective students and those already enrolled. 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.

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 40 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 misconduct 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.
- **“Deputy Title IX Coordinator”** serves as a resource person to the parties of a case (reporting and responding parties). Once an act of potential sexual misconduct is reported, and before an investigation begins, the parties of the case may be assigned to meet with a Deputy Title IX Coordinator who will explain the investigative process, review the party’s rights, talk about interim measures that may be needed, and work with the University to implement interim measures. The deputy can also serve as a support and resource person to a party throughout the investigatory process. At the party’s request, the deputy may accompany the party during an investigative interview or when meeting with faculty or other departments on educational and services challenges related to the case. The assignment of a deputy will be based on equity, personnel availability, and case specifics; and if a deputy is assigned to one party, it will automatically be assigned to the other(s).
- **“Reporting Party”** is a person who has been reported as the potential victim of sexual misconduct, regardless of whether the report comes from the potential victim or from a third party.

- **“Responding Party”** a person who has been reported as the alleged aggressor in a situation involving sexual misconduct.
- **“Sexual Misconduct”** is a form of sex discrimination (including sexual harassment, gender-based harassment, sexual orientation-based harassment, sexual assault, sexual exploitation, domestic violence, stalking, and dating/relationship violence) that unjustly deprives a person of equal treatment with respect to employment decisions or educational decisions. Examples of sexual misconduct are set forth in greater detail below.
- **“Sexual Respect and Title IX Committee”** is comprised of representation from students, faculty, and staff across the institution. The Committee has established an Education and Outreach working group called the “Street Team.” The Street Team conducts annual outreach and education to the entire Roosevelt University community at specific points during the academic year. A curriculum has been designed that includes education related to culture, alcohol and other drugs, and sexual misconduct prevention initiatives. The Committee also conducts regular training for responsible employees to ensure that they understand their obligation to report incidents and related information to the Title IX Coordinator. All incoming students to the University receive comprehensive education on the policy during their orientation session. The Committee then conducts programmatic outreach throughout the year in partnership with key campus offices including the Counseling Center, Residence Life, Center for Student Involvement, and academic departments
- **“Third Party Reporter”** is person who submits a report of potential sexual misconduct but is not the potential victim of sexual misconduct 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:
 - o Oversees the investigation and resolution of all reports of sexual misconduct so that they are handled in a prompt and equitable manner;
 - o As necessary, appoints deputy coordinators and investigators who will be trained in state and federal laws that apply to matters of sexual harassment, as well as University policy and procedure;
 - o Facilitates investigator trainings;
 - o Meets with any individual, whether a reporting party, a responding party, or a third party, to discuss interim measures, resources, and procedural options on and off campus;

- Ensures prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
 - Oversees on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus;
 - Keeps archives of all records related to cases for a minimum of seven years, per requirements of the Clery Act;
 - Oversees all training, education, and prevention efforts.
- **“Title IX Investigator”** is responsible for facilitating the investigatory process when a potential act of sexual misconduct 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 a summary of findings to the Title IX Coordinator which will also include a recommendation on whether there was a violation of the Sexual Misconduct policy and what sanctions would be applicable.
- **“Title IX Support Team”** is comprised of the University’s Deputy Title IX Coordinators, Title IX Investigators, Campus Safety, and the members of the Title IX and Sexual Respect Committee.

Policy

The following is the University’s policy with respect to sex-based discrimination under Title IX. The Policy applies to conduct that involves any Employee or Student, regardless of the location of the conduct (including whether the conduct took place on or off University premises, or on social media, or any other online mechanisms).

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 deemed to have violated the Student Code of Conduct and will be subject to disciplinary action, up to and including expulsion.

Any person 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 Misconduct 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, (3) sexual exploitation, (4) stalking, (5) domestic violence, and (6) dating and relationship violence.

1. Sexual Harassment

An Employee has been harassed where enduring the offensive conduct becomes a condition of continued employment, or where the conduct is so severe or pervasive that it has created a work environment that a reasonable person would consider intimidating, hostile, or abusive. A Student has been harassed where the conduct is so severe or pervasive that a reasonable person would find that it interfered with their ability to participate in or benefit from the educational program.

Sexual Harassment: 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).

- There are three forms of sexual harassment:
 - **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.
 - **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.

- **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).
- There are two types of sexual harassment:
 - *Quid pro quo* harassment, where submission to the harassment is used as the basis for employment decisions or educational decisions. For example:
 - 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.
 - 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.
 - *Hostile work or learning environment*, where harassment creates an offensive and unpleasant

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:

- **Non-consensual sexual contact:** Any intentional sexual touching, however slight, with any object, by a person(s) upon a person(s) without effective consent.
- **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.

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:

- 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.
- 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.

- Consent to past activity does not equal consent to future activity.
- A prior or current relationship does not give consent to future sexual activity.
- Silence or an absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Lack of resistance, submission, or manner of dress does not equal consent.
- Coercion, force, or threat of either invalidates consent.
- Consent to engage with one person does not equal consent with another.
- An unconscious or incapacitated person cannot give consent.
- It is a violation of the standard of affirmative consent if the responding party believed that the reporting party consented to the sexual activity under either of the following circumstances:
 - The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
 - The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the reporting party affirmatively consented.
 - The affirmative consent standard has been violated in any case wherein the responding party knew or reasonably should have known that the reporting party was unable to consent to sexual activity under any of the following circumstances:
 - o The reporting party was unconscious.
 - o The reporting party 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 misconduct, (b) has been given the duty of reporting incidents of sexual misconduct 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 of, investigation of, determination of, disciplinary action for, and appeal of determinations of allegations of Sexual Misconduct.

Confidentiality in Reporting Sexual Misconduct

On occasion, a witness (including reporting party or responding party) may say something to a member of the Title IX Support Team and ask that it be kept confidential. It is possible that the University (except for Confidential Advisors) 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 reporting party might request that the University refrain from investigating and/or issuing discipline in a particular case. In weighing the individual's request, the Title IX Coordinator will consider a range of factors, including the increased risk that the alleged perpetrator(s) will commit additional acts of sexual misconduct, such as:

- Whether there have been other sexual misconduct 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 misconduct or other violence against the victim or others;
- Whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the individual who experienced sexual misconduct is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual misconduct (*e.g.*, security cameras or personnel, physical evidence); and
- Whether the reporting party's report reveals a pattern of perpetration (*e.g.*, via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If the University determines that it cannot maintain a reporting party's confidentiality, the University will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

At the same time, the University will remain ever mindful of the reporting party's well-being and will take ongoing steps to protect the reporting party from retaliation or harm and work with the reporting party to create a safety plan as long as it is warranted. Retaliation against the reporting party, responding party, or witnesses in the investigation, whether by students, University employees, or others, is prohibited. The University will also:

- Assist the reporting party 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; and
- Inform the reporting party of the right to report a crime to campus or local law enforcement – and provide the reporting party with assistance if the reporting party

wishes to do so.

Reporting Sexual Misconduct

There are generally four ways to report Sexual Misconduct: (1) to the Title IX Coordinator or other member of the Title IX Support Team; (2) online <https://rooseveltuniversity.formstack.com/forms/complaintform>; (3) to a Confidential Advisor; or (4) to a Responsible Employee.

1. Reporting to Title IX Coordinator or Other Member of the Title IX Support Team

Roosevelt University's Title IX Coordinator can be contacted by telephone (312-341-3527), email (TitleIX@roosevelt.edu), or in person during regular office hours (Monday-Friday, 9:00 a.m.-5:00 p.m.). In the Title IX Coordinator's absence, the Deputy Title IX Coordinators can take incident reports. In case of an emergency, call Roosevelt University Campus Safety or the Chicago police department at 911:

Campus Safety:

- Chicago Campus (312)341-2020
- Gage Building (312)281-3111
- Schaumburg Campus (847)619-8989

Chicago Police:

- At the 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.
- 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.

2. Reporting Online

Reports can also be made at any time through an online reporting form here: <http://www.roosevelt.edu/About/Compliance.aspx>.

3. Reporting to Confidential Advisor

A Confidential Advisor 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 reporting party's permission, employees of the Counseling Center may share information about the incident(s) of sexual misconduct 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 (including the Title IX Support Team);
- 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' of their rights and the University's responsibilities regarding orders of protection and no contact orders
- Help the survivor understand the sexual misconduct 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: <http://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 misconduct:

- The Responsible Employee is required to report this information to the Roosevelt University Title IX Coordinator. Responsible Employee must notify the Title IX Coordinator of all relevant details about the alleged sexual misconduct shared by the reporting party, including the names of the reporting party 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 reporting party 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 reporting party 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 reporting party'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 Misconduct is reported, there are generally two methods for resolving the complaint: (1) the informal resolution option, 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 Reporting Party is always free to report such allegations to the police to be resolved in that manner.

1. *Informal Resolution*

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 and Employees 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 case manager's requests. 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. With respect to Students, 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 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 interim measures (*e.g.*, no contact agreement) may be sufficient to resolve the grievance. This option is available if (i) the University determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate.

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/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a finding and responding parties are not charged with a policy violation and are not found to be "responsible" or "not responsible" of a sexual misconduct 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.

2. *Formal Title IX Investigation*

After the Office of Title IX receives a complaint that is not going to be resolved via the Informal Resolution process, the Formal Title IX Investigation will begin. The Formal Title IX Investigation has several key phases, each of which will be discussed below. First, however, it is important to understand the rights of the parties during the Investigation.

Individual Rights during the Investigative Process

To the extent of the party's cooperation and consent, the Title IX Coordinator will work cooperatively with appropriate University officials to ensure the Reporting and Responding Party's emotional and physical safety are protected throughout the investigation. The University will offer each party various options, including medical care, filing a police report, filing a report with the University, and accessing counseling. Both parties have a right to request interim measures prior to the resolution of the investigation. Further, if reasonably available and without prompting, the University may offer all parties interim measures that may include, but not be limited to: changes to academic schedule, housing, dining, transportation, and working situations, counseling, health services, and assistance in notifying local law enforcement. Interim measures also include obtaining and enforcing campus no contact orders and honoring court-ordered protection. The Title IX Coordinator will work with appropriate University officials to provide those accommodations. To request interim measures, contact the Title IX Coordinator.

Upon receipt of a report of a potential policy violation, the University is obligated and adheres 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. Survivors are provided with the Violence Against Women's Act Complainant and Respondent's Rights document which can be viewed here: <https://www.roosevelt.edu/~media/Files/pdfs/Policies/TitleIX/VAWA-Notice.ashx>.

Additionally, personally identifiable information about the Reporting Party and Responding Party 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 Reporting party. The University does not publish the name of individuals who have been involved in an alleged incident of sexual misconduct nor house personally identifiable information

regarding individuals who have been so involved in the Campus Safety Department's Daily Crime Log or in timely warnings (Community Alerts at Roosevelt University).

As a general matter, individuals inside and outside the institution 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 www.roosevelt.edu/registrar/forms.

Investigation and Complaint Resolution Procedures

The following is the University's procedure for investigating and resolving a complaint of Sexual Misconduct:

1. The Reporting Party and Responding Party may be assigned a Deputy Title IX Coordinator who will serve as a resource to explain and answer any questions about the Party's rights, the Sexual Misconduct investigative processes, and resources available on an off campus. The deputy will also assist Parties with interim measures such as housing and academic needs, as well as navigation of campus and local health services. Not all cases will be assigned a Deputy Title IX Coordinator. This will be based on personnel availability and case specifics. It will be equitable to both Parties. If a deputy is assigned to one Party, it will automatically be assigned to the other Party(s).
2. Following the filing of a complaint, Reporting party and Responding party will each receive notification in writing including 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 the invitation to attend a separate initial conference with the Investigator assigned to the case. The purpose of an initial conference is to inform the Reporting party and Responding party of their rights, the Title IX process, and to gather initial statements.
3. The Title IX Coordinator may implement interim measures following the report of Sexual Misconduct, which may include some or all of the following actions: banning the Responding Party from Campus buildings; suspending or terminating the Responding party from educational, athletic, student organizations, or campus activities; relocation of housing assignment; class accommodations; and/or suspension of employment.

4. Reporting party and Responding party must reply to the Investigator within three (3) calendar days (or the next weekday following a weekend or a holiday on which the University is closed) after the notice has been sent to set up an initial conference, barring any scheduling difficulties with the investigator.
5. Roosevelt University follows an administrative hearing format (single investigator; no hearing panel) which facilitates separate interviews of Reporting and Responding Parties. This means the Parties will not be in the same room during the investigative process.
6. The Reporting Party and Responding Party each have the opportunity to attend an initial conference and formal Title IX hearing with a trained Title IX investigator who does not have a conflict of interest or bias for or against the Reporting Party or Responding 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. Reporting party and Responding party will be asked to make a preliminary formal statement at each of their respective initial conferences. Both parties will be asked to identify relevant witnesses.
8. The institution will allow the Reporting Party and Responding Party timely and equal access to each other's statements and to any new information presented throughout the investigation.
9. Any person called to a formal Title IX investigation may bring an advisor for support unless the advisor's presence causes undue delay. In order for an advisor to be present, the Investigator must be notified no less than seventy-two (72) hours in advance. Advisors may not participate in the meeting in any way. A person called to an initial conference may be the Reporting party, Responding party, or witnesses to the incident.
10. 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 Misconduct constitutes a separate violation of the University policy prohibiting retaliation.
11. Following the period of fact finding, the Reporting Party and Responding Party will each receive notification in writing to attend a separate formal Title IX hearing with the Investigator assigned to the case. The purpose of the formal Title IX hearing is to provide

an opportunity for the Reporting Party and Responding Party to review all available evidence and to make any final statements. The formal Title IX hearing will take place no more than ninety (90) calendar days (or the next weekday following a weekend or a holiday on which the University is closed) after the initial complaint has been filed.

12. If requested, by either the Reporting Party or the Responding Party, both shall have access to the Summary of Findings report written by the investigator and submitted to the Title IX Coordinator, but may not copy, photograph, or take possession of the evidence.
13. The Reporting Party and Responding Party will each have timely notice for any meetings at which the Reporting Party or the Responding Party may be requested to attend.
14. One Party is not allowed to cross-examine the other Party. Nevertheless, both Parties have a right to suggest reasonable and applicable questions for the investigator to ask the other Party during the investigation process.
15. Once the investigator determines they have enough information to write a summary of findings, the investigation is complete. The decision of a case is based on the preponderance of evidence standard: "more likely than not to have occurred." In other words, the investigation process asks: "is it more likely than not that Responding Party violated the Sexual Misconduct Policy?" In other words, there must be at least a 51% likelihood that a violation occurred.
16. The Investigator will provide a written Summary of Findings to the Title IX Coordinator who will make a Final Determination of Outcome. While the investigator's summary of findings will make recommendations concerning the outcome of the case, the decision of a case and any imposed sanctions is determined by the Title IX Coordinator. The Reporting Party and Responding Party will each be notified simultaneously within seven (7) calendar days of the decision of the outcome of the investigations and the sanctions, if any, that are to be imposed on the Responding Party.
17. After a maximum of ninety (90) calendar days have passed since the investigation began, the investigator will close the investigation; new evidence or information from the Reporting Party or Responding Party must be presented in an appeal after the Title IX Coordinator has issued the Final Determination of Outcome letter which will reflect the decision of the University.
18. Reporting Party and Responding Party will simultaneously be notified of the close of the

investigation and the final recommendation in reference to whether there is was a violation and applicable sanctions.

19. If the incident has been reported to the police, the University Title IX staff will contact and cooperate with law enforcement. Nevertheless, the outcome of a criminal or civil investigation has no bearing on the University Title IX sexual misconduct process nor outcome.

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

The Reporting Party and Responding Party each has the right to appeal. The Reporting Party or Responding Party making an appeal has seven (7) calendar days (or the next weekday following a weekend or a holiday on which the University is closed) from the delivery of the decision to file an appeal in writing with the Title IX Coordinator. The appeal should include a detailed description of why the appeal should be allowed based upon one or more of the criteria:

1. New evidence can be submitted that was not available and would substantially change the outcome during the investigation;
2. The sanction(s) are thought to be disproportionate to the violation(s); and
3. The investigation process as described above was not followed.

The Title IX Coordinator may deny the request for an appeal if at least one of the criteria above is not met; further, the original finding and any assigned discipline will stand unless and until the appeal is completed. The Title IX Coordinator will assign the appeal to a designee who did not hear the case and does not have a conflict of interest.

The Title IX Investigator will communicate to both Parties, in writing, whether an appeal has been granted, and the possible outcome of the appeal. The Title IX Investigator may use their

discretion to resolve the appeal based solely upon the written documents from the administrative meetings and appeal letter, or whether she/he would like to meet with only the Reporting Party, only the Responding Party, both Parties of the incident, or witnesses. Upon completion of the appeal review, the Title IX Coordinator may make any of the following decisions:

1. Uphold the original decision and sanction(s)
2. Overturn the original decision; remove or reduce any sanction(s)
3. Assign additional sanctions up to and including dismissal from the University

The Title IX Coordinator shall have seven (7) calendar days (or the next weekday following a weekend or a holiday on which the University is closed) from the date of the delivery of the appeal to present the appeal decision. The appeal decision will be sent simultaneously in writing to both the Reporting Party and the Responding Party regardless of who filed the appeal.

Other Resources

A list of on-campus and off-campus resources can be found on the compliance page on the University website (<http://www.roosevelt.edu/About/Compliance/TitleIX.aspx>); that list is also included below. The off-campus resources are available to both students and employees.

- **For Students:** The Roosevelt University Counseling Center provides free services for eligible students.
- **For Employees:** The Employee Assistance Program (“EAP”) provides options for faculty and staff. The EAP offers professional and confidential counseling services to help address any life issues that employees may be facing. This service, staffed by experienced professional clinicians, is available 24 hours a day, 7 days a week to employees and members of their family at no cost, by calling a toll-free phone line (**1-877-622-4327**). The EAP provides mental health, legal, and financial counseling services including assistance with depression, marital/family conflicts, divorce and other family law matters, stress and anxiety, and alcohol and drug abuse.

Other on-campus resources:

Counseling Center – Chicago Campus	Room 470, 430 S. Michigan Ave., Chicago, IL 60605	312-341-3548
Counseling Center – Schaumburg Campus	Room 114, 1400 N. Roosevelt Blvd., Schaumburg, IL	312-341-3548
Campus Safety – Chicago Campus	Room 113, 430 S. Michigan Ave., Chicago, IL 60605	312-341-2020

Campus Safety – Schaumburg Campus	Room 102, 1400 N. Roosevelt Blvd., Schaumburg, IL	847-619-8989
Office of Title IX Compliance (Title IX Coordinator)	Room 204 AUD, 430 S. Michigan Ave., Chicago, IL 60605	312-341-3527
Office of Human Resources	Room 340, 430 S. Michigan Ave., Chicago, IL 60605	312-341-2137
Office of Student Conduct & Conflict Resolution	Room 204 AUD, 430 S. Michigan Ave., Chicago, IL 60605	312-341-2026
Asst. VP Health/Director Athletics & Recreation/Deputy Title IX Coordinator	Room 135, Goodman Center, 501 S. Wabash Ave., Chicago, IL 60605,	312-341-3528
Title IX and Sexual Respect Committee Chair/Title IX Deputy Coordinator	Room 356 AUD, 430 S. Michigan Ave., Chicago, IL 60605	312-341-3685

Resources in the Chicago and Schaumburg areas:

Chicago Police 1 st District - Central	1718 South State Street, Chicago, IL 60616	312-745-4290 911 for emergencies
Schaumburg Police	1000 W. Schaumburg Rd, Schaumburg, IL 60194	847-882-3586 911 for emergencies
Northwestern Memorial Hospital – <i>free medical exams for sexual assault survivors</i>	251 E. Huron Chicago, IL 60611	312-926-2000
Alexian Bros. Hospital – <i>free medical exams for sexual assault survivors</i>	800 Biesterfield Rd., Schaumburg, IL 60007	847-437-5500
Planned Parenthood	18 S. Michigan Ave., 6 th FL, Chicago, IL 60603	312-592-6700 or 800-238-PLAN
Domestic Violence Legal Clinic	555 W. Harrison, Room 1900, Chicago, IL 60607	312-325-9155
Orders of Protection – Cook County Circuit Court	555 W. Harrison, Chicago, IL 60607	312-325-9468
Rape Victim Advocates	180 S. Michigan Ave., #600, Chicago, IL 60601	312-443-9603
Porchlight Counseling	1740 Ridge Ave., Suite L14, Evanston, IL 60201	847-328-6531 (Office)
Center on Halsted (LGBTQ)	3656 N. Halsted Street, Chicago, IL 60613	773-472-6469

Chicago Rape Crisis Hotline	888-293-2080
National Domestic Violence Hotline	800-799-7233
Rape, Abuse and Incest National Network	800-656-4673
National Suicide Prevention Lifeline	800-273-8255
AIDS Hotline (Illinois)	800-243-2437

Entities Affected by this Policy and Procedure

All Divisions of the University.

Related Documents and Policies

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 (Sexual Misconduct 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/faculty-staff/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.