



SEXUAL MISCONDUCT POLICY

Responsible University Officials

Title IX Coordinator

Responsible Office

Office of Title IX Compliance

Origination Date

August 2014

Revisions January 2015; July 2015; June 2016

Policy Statement

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance. (Preamble, Title IX of the Education Amendments, 1972)

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STATEMENT OF PURPOSE

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 order 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.

Roosevelt University prohibits all forms of sexual misconduct committed against University community members of any gender, gender identity, or sexual orientation. Harassment based on gender or sexual orientation that does not involve conduct of a sexual nature is also prohibited. Retaliation against any reporting party, responding party, or witness in a case of sexual misconduct is prohibited; acts of retaliation constitute a separate violation of the policy.

NOTICE OF NON-DISCRIMINATION

The University is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all University community members. The University does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, gender, sexual orientation, gender identity or expression, physical or mental disability, religion, or any other protected class.

The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Sexual misconduct can function as discrimination by preventing people from participating fully in an educational or professional enterprise. For this reason, Roosevelt University prohibits sexual misconduct against all community members of any gender or sexual orientation or gender expression. The University also prohibits harassment based on gender or sexual orientation that does not involve conduct of a sexual nature.

COORDINATION WITH NON-DISCRIMINATION POLICY-TITLE IX AND TITLE XII

The University recognizes that harassment related to an individual's sex, sexual orientation, gender identity, or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, and/or ability. Targeting individuals on the basis of these characteristics is also a violation of community standards and the Student Code of Conduct. Under these circumstances, the University will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, sexual orientation, gender identity, or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, and/or ability.

IMPLEMENTATION, PUBLICATION, AND MANAGEMENT OF POLICY

The Office of Title IX Compliance, established by the University President, is charged with the management, revision, and implementation of the Roosevelt University Sexual Misconduct Policy. The Executive Council of the University will review the Office of Title IX Compliance recommended revisions to the policy before it is approved by the University President.

The Office of Title IX Compliance is charged with creating and sustaining a culture wherein all members understand what constitutes sexual misconduct, how the University will respond to cases of sexual misconduct promptly and equitably, and resources for supporting and empowering people who have experienced sexual misconduct. In particular, the role of the Committee is to ensure that a comprehensive policy and set of procedures are in place to provide clear guidance when physically or psychologically unsafe behaviors occur.

The Roosevelt University Sexual Misconduct Policy was originally implemented on August 15, 2014. The policy is reviewed and updated by the Sexual Respect and Title IX Committee and submitted to the Executive Council and University President annually with review and publication of changes completed by August 1 of each year; the policy will be reviewed and revised more frequently as needed in order to remain in compliance with state and federal guidelines.

The policy is available in hard copy from the Office of Title IX Compliance and the Office of Human Resources and in electronic format [here](#).

Specific policy questions should be directed to the Title IX Coordinator.

JURISDICTION AND SCOPE

This policy applies to all members of the Roosevelt University community, including students, faculty, staff, administrators, contractors, and members of the Board of Trustees. It also applies to other third parties within the University's control, including visitors who are present on campus. This policy applies to sexual misconduct:

- (a) on and off of University premises when any member of the University community is involved;
- (b) at University-sponsored activities;
- (c) that takes place online via social media and any other technological mechanisms;
- (d) that has an adverse impact on the education or employment of a member of the University community;
- (e) otherwise threatens the health and/or safety of a member of the University community;

Sexual misconduct is a form of discrimination in violation of the Roosevelt University [Code of Student Conduct](#) and the Roosevelt University [Anti-Harassment Policy](#).

All University community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the Roosevelt University community have a responsibility to adhere to University policies when they are engaged in University activities and business; members must always adhere to local, state, and federal laws.

This policy applies to both on-campus and off-campus conduct. Reported off-campus behaviors that have an actual or potential adverse impact on any member of the University community or the University fall under this policy. Any individual may submit a complaint alleging a violation of this policy. The University will provide resource options to members of the University community who experience sexual misconduct. The University will respond promptly and equitably to all allegations of sexual misconduct by providing accommodations to reporting parties and conducting investigations of complaints of sexual misconduct. The University is committed to maintaining fairness for all parties involved in cases of sexual misconduct and will balance the needs and interests of the individuals involved with the safety of the community as a whole.

POLICY DEFINITIONS

Confidential Advisor

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 will 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 also serves 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.

Investigator

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.

Reporting Party

A person or persons who has been reported as the potential victim of sexual misconduct. In some cases, the reporting person is the actual person who submits the initial complaint while in other cases, a third party reporter may be the author.

Responding Party

A person or persons who has been reported as the aggressor, thus potentially exhibited sexual misconduct and potentially responsible for violating University policy.

Sexual Misconduct

Sexual misconduct encompasses sexual harassment, gender- based harassment, sexual

orientation-based harassment, sexual assault, sexual exploitation, domestic violence, stalking, and dating and relationship violence. In addition, this policy prohibits retaliation against anyone who files a complaint or participates in any investigation of a complaint under this policy.

- Sexual misconduct can occur between strangers or acquaintances, as well as people involved in an intimate or sexual relationship. Sexual misconduct can be committed by any gender identity, and can occur between people of the same or different gender identities.

Sexual misconduct may be a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act. In addition, some forms of sexual misconduct violate criminal laws of the state of Illinois.

Third Party Reporter

A person who submits a report of potential sexual misconduct but is not the potential victim of sexual misconduct nor the potential aggressor.

ROLE OF THE TITLE IX COORDINATOR

The Title IX Coordinator reports to the University President and oversees the entire Title IX function of University which includes the education and training component, as well as the University's centralized review, investigation, and resolution process for reports of sexual misconduct and the University's compliance with Title IX. The Title IX Coordinator will appoint 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. In all matters related to Title IX, it is the role of the Title IX Coordinator to facilitate the decision-making of the University.

The Title IX Coordinator can be contacted by telephone, email, or in person during regular office hours. Reports can also be made at any time through an online reporting form. In the Title IX Coordinator's absence, the Deputy Title IX Coordinators can take incident reports.

Roosevelt University's Title IX Coordinator
Office of Title IX Compliance
312.341.2045
TitleIX@roosevelt.edu
[Online Report Form](#)
Hours: Monday – Friday 9:00am to 5:00pm

In case of an emergency, call Roosevelt University Campus Safety at 312-341-2020 or the Chicago Police Department at 911.

The duties and responsibilities of the Title IX Coordinator include oversight of training, education, and assessment of campus culture and of procedures that promptly and equitably address instances of sexual misconduct, prevent its recurrence and address its effects on individuals and our community.

The Title IX Coordinator will:

- Oversee the investigation and resolution of all reports of sexual misconduct;
- Facilitate investigator trainings
- Meet 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;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
- Oversee on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus;
- Keep archives of all records related to cases for a minimum of seven years, per requirements of the Clery Act;
- Oversee all training, education, and prevention efforts.

Title IX Support Team

The 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.

ACADEMIC FREEDOM

Roosevelt University is committed to the principles of academic freedom. Rigorous discussion and debate are fundamental to the University's educational mission, and this policy does not determine or restrict teaching methods, course content, or the processes of intellectual inquiry and debate. The fact that speech or a particular expression is offensive is not, standing alone, a legally sufficient basis to establish a violation of this policy.

If such speech or expression takes place in the teaching context, it would be considered a violation of this policy if it is persistent, pervasive, and not germane to the subject matter, demonstrably adversely affects a student's education, or creates a hostile or abusive environment. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

DEFINITIONS OF PROHIBITED SEXUAL MISCONDUCT

Sexual misconduct includes, but is not limited, to sexual harassment, gender-based harassment, sexual orientation-based harassment, sexual assault, sexual exploitation, domestic violence, stalking, and dating and relationship violence, absence of affirmative consent, retaliation in response to a sexual misconduct case.

Sexual Harassment is a form of sex discrimination prohibited by Title IX and Title IV. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Examples include:

- Making unwelcome sexual advances for sexual favors and other verbal or physical conduct of a sexual nature as a condition of an employee's continued employment, or a student's academic status;
- Making submission to or rejections of such unwelcome conduct the basis for employment or academic decisions affecting an employee or student; or
- Creating an intimidating, hostile or offensive working or education environment by such conduct, which prevents an individual from participating in a program or activity.

Gender-Based Harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on expression of or perception of a person's gender, sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Issues and behaviors that affect transgender and agender members of the Roosevelt community fall under this category. Use of the term "sexual harassment" throughout this policy includes gender-based harassment/misconduct.

Sexual Orientation-Based Harassment includes verbal, non-verbal and physical acts of aggression, intimidation, or hostility based on an individual's actual or perceived sexual orientation. Use of the term "sexual harassment" throughout this policy includes sexual orientation-based harassment/misconduct.

Sexual Assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

- 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.

Sexual Exploitation is defined as an individual taking or attempting to take nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited.

Stalking is defined as harassing or threatening another person to the point where that individual fears for his/her safety or the safety of his/her family. Stalking can occur in various forms including, but not limited to, in person, through third parties, and electronically (phone, internet, texting, etc.).

Domestic Violence is defined as 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.

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, a current or former boyfriend or girlfriend, or a current or former dating partner. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Retaliation is a violation of Title IX and University policy (Sexual Misconduct Policy, Student Code of Conduct: "Student Rights and Responsibilities," and Human Resources Anti-Harassment Policy) for any person or group to retaliate against, interfere with, coerce or take any other adverse action against a person or group (be it student, faculty member, staff member, visitor, applicant, contractor or other third party) that: 1) reports sexual misconduct; 2) seeks advice concerning sexual misconduct; 3) assists or supports another individual or group that reports sexual misconduct; or 4) participates as a witness or in the investigation of a sexual misconduct report. Retaliation includes threats, intimidation, and reprisals.

The University will take immediate and responsive action to any report of retaliation. An individual reporting or participating in an investigation of sexual misconduct is entitled to protection from retaliation following a report that is made in good faith, even if the report is later not proven. Any individual or group that violates this policy is subject to disciplinary or remedial action, which can include expulsion from the University, termination of employment, and may also be subject to criminal and/or civil action.

The University recognizes a responding party can also be the subject of retaliation by the reporting party or other third party and the same protections against retaliation are afforded the responding party.

Absence of Affirmative Consent: Roosevelt upholds the standard of **affirmative consent**. Affirmative consent means freely, willingly, and explicitly agreeing to engage in sexual

activity.

According to this standard:

- Consent can be given by words or actions, as 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.
- 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:
 - The reporting party was unconscious.
 - 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.

RESPONSIBLE EMPLOYEES & PRIVILEGED EMPLOYEES

RESPONSIBLE EMPLOYEES

Roosevelt University designates all faculty and staff as responsible employees with the exception of those in specific roles that grant them confidentiality privileges by law such as school therapists, doctors, confidential advisors, and clergy. Responsible employees have specific Title IX compliance obligations defined by the Office of Civil Rights. According to 2001 guidance from the Office of Civil Rights, a responsible employee includes any employee:

- Who has the authority to take action to redress sexual violence;
- Who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator; or
- Whom a student could reasonably believe has this authority or duty.

If an individual shares information about an instance of sexual misconduct with a responsible employee, the employee is required to promptly report to the Title IX Coordinator all the relevant details of the incident as they are disclosed. A report to any responsible employee constitutes a report to the University and obligates the University to investigate the incident and take appropriate steps to address the situation. The purpose of requiring this reporting is to ensure that all people who may have experienced sexual misconduct can be provided with equal access to supportive resources, on and off campus.

The University encourages all members of the community who have experienced sexual misconduct to seek resources for support through Roosevelt and/or off campus organizations. There is a list of resources at the end of this policy.

Reporting to “Responsible Employees”

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. 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.

Responsible employees 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.

A 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 employees should receive information from the reporting party as it is offered without engaging in investigative questioning.

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.

Before, or as soon as, an individual reveals any information about sexual misconduct to a responsible employee, the employee should ensure that the individual understands the employee's reporting obligations. If the individual wants to maintain confidentiality, the responsible employee should direct the individual to confidential resources.

If the individual wants to tell the responsible employee what happened but also maintain confidentiality, the 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.

Responsible employees will not pressure an individual to request confidentiality, but will honor and support the individual's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure an individual to make a full report or request an investigation if the individual does not desire to do so.

If the University determines that an incident has occurred or that the responding party(s) pose(s) a serious and immediate threat to the University community, the University may be called upon to issue a timely warning in the form of a "Community Alert" to the Roosevelt University community. Any such warning will not include any information that identifies the reporting party.

PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS:

Select Roosevelt employees are required to maintain near complete confidentiality. At Roosevelt University, Confidential Advisors and Counseling Center staff members are the only University employees in this category. These employees may talk to an individual who has experienced sexual misconduct in confidence. Confidential Advisors or Counseling Center employees may ask an individual if they wish to have information about sexual misconduct referred to the Title IX Coordinator; the individual may request or refuse to have the information shared.

A. Confidential Advisor

Roosevelt University's Confidential Advisor 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.

Confidential Advisors provides the following support:

- Available 24 hours per day;

- Assist survivors by providing reporting options and outlining possible outcomes;
- Shares resources and services that exist on and off campus;
- Explains survivors' of their rights and the University's responsibilities regarding orders of protection and no contact orders;
- Helps the survivor understand the sexual misconduct investigatory process; and
- 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.

B. Professional Counselors and Counseling Center Staff, including secretarial staff and student

employees: Professional, licensed counselors who provide mental-health counseling to members of the University community—including those who act in that role under the supervision of a licensed counselor—are not required to report any information about an incident to the Title IX coordinator without a reporting party's permission. In addition, individuals that 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. 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. 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

An individual who wishes to maintain confidentiality will not be able to request that the University conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s).

Any member of the Counseling Center staff will assist the individual in receiving other necessary protection and support, such as victim advocacy; academic support or accommodations; disability, health or mental health services; and changes to living, working, or course schedules.

An individual who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. Counselors will provide the individual with assistance if the individual wishes to do so at any time.

The Counseling Center fully adheres to all professional, legal, and ethical standards for all of its services. The information shared within a confidential setting with any staff of the Counseling Center is confidential. Counselors *will not* discuss information gained in a confidential setting

with family members, friends, doctors, or University personnel unless written permission is given beforehand. However, the following are a few situations in which a counselor may disclose information to necessary agencies to ensure safety and/or as mandated by law:

- If the counselor believes that the person may seriously injure self or another person;
- If the counselor 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.

REQUESTING CONFIDENTIALITY FROM THE UNIVERSITY

If an individual discloses an incident of sexual misconduct to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation under Title IX to provide a safe, non-discriminatory environment for all members of the University community, including the individual who has experienced sexual misconduct.

If the University honors the request for confidentiality, an individual must understand that the University's ability to investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

There will be times when the University may not be able to honor an individual's request for confidentiality or that there be no investigation in order to provide a safe, non-discriminatory environment for all members of the University community.

The University has designated the Title IX Coordinator to evaluate such requests once a responsible employee is notified of alleged sexual misconduct.

When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, 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, for example, the school has credible information that the alleged perpetrator has perpetrated prior sexual misconduct, the balance of factors would compel the school to investigate the allegation 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.

The University will remain 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 (see portion of policy identifying these);
- 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.

GOOD SAMARITAN PROTOCOL

In order to comply with the State of Illinois Preventing Sexual Violence in Higher Education Act, Roosevelt University must include an amnesty provision that provides immunity to any student who reports to a responsible employee, in good faith, an alleged violation of the Sexual Misconduct policy. Therefore, students who are witnesses, reporting parties, and responding parties in cases of sexual misconduct are covered by the Good Samaritan Protocol at Roosevelt University. See the details of this protocol in the [Student Handbook](#).

REPORTING OPTIONS

To report an incident involving sexual misconduct, any member of the Roosevelt community may contact the University Title IX Coordinator via the communication mechanisms below. **RU offers reporters (regardless of being a bystander, third party, or direct party to the issue) opportunity to report electronically, anonymously, and privately.** People working in these offices will assist any reporter with notifying local police if they so desire.

Office of Title IX Compliance:

- [Online report form](#) link
- **Email address:** TitleIX@roosevelt.edu
- **Phone number:** (312)341-2045

Additionally, community members can also contact the local police.

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 [here](#).
- **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 [here](#).

INVESTIGATORY PROCEDURES FOLLOWING A COMPLAINT

Instances of sexual misconduct that are criminal acts may also subject the responding party to criminal and civil penalties under federal and state law. Whether or not criminal charges are filed, the University or a person may file a complaint with Roosevelt University alleging that a member of the Roosevelt University community violated the University's policy on Sexual Misconduct.

Reports of all sexual misconduct made to any University employee, with the exception of

Counseling Center staff and Confidential Advisors, will automatically be referred to the Title IX Coordinator. This practice of routine referral will ensure that support, accommodations, and investigations are administered effectively, promptly, and equitably regardless of whether or not the reporting party chooses to pursue criminal charges.

The University investigation process will include a prompt, fair, and impartial fact-finding and resolution process:

- Investigators are trained annually on the issues related to sexual misconduct and are taught how to conduct an investigation process that protects the safety of the victim and promotes accountability.
- Neither the complaint nor the identities of the reporting party or responding party(s) will be disclosed outside of those involved in the investigatory process.
- The investigator shall file a written report of their findings within sixty (60) calendar days (or the next weekday following a weekend day or a holiday on which the University is closed). If there are delays, the investigator shall notify both the reporting party and the responding party and state the reason(s) for the delay.

In all cases, investigations that determine that a violation of the Sexual Misconduct Policy occurred will lead to the initiation of disciplinary procedures against the responding party.

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.

INDIVIDUAL RIGHTS DURING THE INVESTIGATIVE PROCESS

To the extent of the reporting party's cooperation and consent, the Title IX Coordinator will work cooperatively with appropriate University officials to ensure the reporting party's emotional and physical safety, work environment, and academic status are protected. The University will offer the individual 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 limited, to changes to academic schedule, housing, dining, transportation, and working situations in addition to 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 VAWA Complainant and Respondent's Rights document which can be viewed [here](#).

Additionally, personally identifiable information about the reporting party and responding party(s) 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).

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 [here](#).

DESCRIPTION OF A PROMPT, FAIR AND IMPARTIAL RESOLUTION PROCESS

In the course of a Roosevelt University investigation into a complaint of sexual misconduct, the following provisions will be in place:

1. Prior to the beginning of an investigation, the reporting party and responding party each will be assigned and must meet with 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.
2. 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;
3. 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.
4. 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;
5. Direct cross examination on either party is prohibited. Nevertheless, both parties have a right to suggest reasonable and applicable questions for the investigator to

ask the other party during the investigation process.

6. 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;
7. If requested, the reporting party and/or the responding party may have access to evidence that will be used to make the summary of findings for the case, but may not copy, photograph, or take possession of the evidence;
8. 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;
9. After a maximum of fifty (50) 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.
10. 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;
11. 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.
12. No more than seven (7) calendar days following notification that the investigation is closed, and no more than sixty (60) calendar days (or the next weekday following a weekend or holiday on which the University is closed) from when the complaint was filed, Title IX Coordinator will make a final decision on violations and sanctions and will share this decision simultaneously with the reporting and responding parties.

INVESTIGATION PROCEDURES AND PROTOCOLS

1. Following the filing of a complaint, reporting party and responding party will each receive notification in writing 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;
2. 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;
3. Reporting party and responding party will be asked to make a preliminary formal statement at each of their respective initial conferences;

4. Any student 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 at least 72 hours in advance. Advisors may not participate in the meeting in any way. Students called to an initial conference may be the reporting party, responding party, or witnesses to the incident;
5. 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 sexual misconduct;
6. 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;
7. 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 the formal Title IX hearing, barring any scheduling difficulties with the investigator;
8. Reporting party and responding party will be asked to make any final statements at each of their respective formal Title IX hearings. After the conclusion of the formal Title IX hearing, no additional evidence will be accepted by the Investigator, unless in conjunction with an official appeal by either the reporting party or responding party. The formal Title IX hearing will take place no more than fifty (50) 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;
9. Once the investigator determines they have enough information to write a summary of findings, the investigation is complete. The investigator will use the standard of "preponderance of evidence" to recommend a finding on whether the responding party was responsible for the act(s) of sexual misconduct being investigated; this standard means that it is "more likely than not" (at least 51% likely) that the act(s) took place. This standard is compliant with the procedural requirements for all colleges and universities put forth in the ["Dear Colleague Letter"](#) published by the Office of Civil Rights on April 4, 2011;
10. The Investigator will provide a written Summary of Findings to the Title IX Coordinator who will make a Final Determination of Outcome. 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; and
11. 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.

University sanctions include but are not limited to:

- Written warning
- Disciplinary probation
- Suspension from the University
- Expulsion from the University, a program, or activity on a permanent basis
- Denial of readmission to the University or to a University program or activity
- Removal from a residence facility or cancellation of residence contract
- Ban from entering University property
- Suspension or termination from one's job
- Educational sanctioning
- Restitution
- Completion of community service

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

APPEAL PROCESS

The reporting party and responding party each has the right to appeal the findings based on the following 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/or
3. The investigation process as described above was not followed.

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 above. The Title IX Coordinator will assign the appeal to a designee (Appeal Officer) who did not hear the case and does not have a conflict of interest.

The Appeal Officer may deny the request for an appeal if none of the above criteria are met. Meeting one of the above criteria is sufficient for being granted an appeal. Further, the original finding and any assigned discipline will stand unless and until the appeal is granted.

The Appeal Officer will communicate to both parties, in writing, whether an appeal has been granted, and the possible outcome of the appeal. The Appeal Officer may use their discretion to resolve the appeal based solely upon the written documents from the administrative

meetings and appeal letter, or whether they 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 Appeal Officer 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); or
3. Assign additional sanctions up to and including dismissal from the University

The Appeal Officer 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.

EDUCATION AND OUTREACH

The 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 entitled 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.

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.

TRAINING

All employees at the University, with the exception of the Counseling Center staff and Confidential Advisors, are considered “responsible employees.” The Sexual Respect/Title IX Committee conducts regular training for responsible employees to ensure that they understand their obligation to report incidents and related information to the Title IX Coordinator.

Responsible employee training sessions are offered to employees through their departments, or they can participate in ongoing sessions that are offered to the community bi-annually.

RESOURCES

A list of on-campus and off-campus resources can be found on the [University Sexual Respect](#)

[and Title IX website](#); 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:

- Depression
- Marital/Family conflicts
- Divorce and family law
- Stress and anxiety
- Alcohol and drug abuse

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 680 AUD, 430 S. Michigan Ave., Chicago, IL 60605	312-341-2045
Office of Human Resources	Room 340, 430 S. Michigan Ave., Chicago, IL 60605	312-341-2137
Office of Student Conduct and Conflict Resolution	Room 701 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

**In the Chicago and
Schaumburg Area**

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

Hotlines

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

HISTORY/REVISION DATES:

Previous versions of the official, adopted policy are archived by the Title IX Coordinator.

Origination Date by Title IX Committee:	August 2014
Reviewed and Revised by Title IX Committee):	January 2015
Reviewed and Revised by Title IX Committee:	July 2015
Reviewed and Approved by Executive Council:	July 28, 2015
Reviewed and Revised by Office of Title IX Compliance:	June 2016

Approved by:

Provost

Date

President

Date