

Governors State University TITLE IX PROCEDURES

Office of Title IX

Procedures that the University will follow to assess a concern and investigate allegations of Student Sexual Violence, Domestic Violence, Dating Violence and Stalking.

January 2016

Title IX Procedures

I. STATEMENT OF POLICY

Governors State University is committed to providing a safe and non-discriminatory learning, living and working environment for all members of the University community. The university does not discriminate on the basis of gender or sex in any of its academic programs, activities or employment practices. This policy addresses Governors State University's responsibilities and obligations under the Title IX of the Education Amendments of 1972 [Title IX]; Violence Against Women Reauthorization Act of 2013 [VAWA]; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [Clery Act] and the Illinois Preventing Sexual Violence in Higher Education Act of 2015.

The University prohibits any gender or sex based harassment, sexual violence, dating violence, domestic violence and stalking (collectively Prohibited Conduct), Complicity in the commission of any act prohibited by this policy and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy.

Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. The University is committed to taking equitable and prompt action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness and training initiatives for employees and students in an effort to facilitate the goals of this policy.

II. DEFINITIONS

Complainant is a student who has made an allegation against another person of Prohibited Conduct or a student whose education was or is being negatively impacted by the Prohibited Conduct.

Confidential University Advisor is an individual who by law or University policy is exempted from the obligation to report an allegation of Prohibited Conduct to the Title IX Officer. Confidential University Advisors include the following individuals when acting in the capacity of providing medical care, counseling or comfort: licensed University medical and mental health providers, and clergy.

Consent is informed, freely given, and a mutually understood agreement to sexual activity. Consent requires an affirmative act or statement by each person; a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is under age, mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. A person's manner of dress does not constitute consent. A participant's consent to past sexual activity does not constitute consent to future sexual activity, their consent to sexual activity with one person does not constitute consent to engage in sexual activity with another and consent may be withdrawn at any time. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship regardless of the gender of the individuals in the relationship

Department of Public Safety (DPS) is the campus police department that serves the Governors State University Campus.

Domestic Violence is physical violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim has a child in common, by a person who is cohabiting or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts by applicable domestic or family violence laws.

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99 , a federal law that places limits on a school's ability to share student "education records" with others.

Gender Discrimination or Gender Harassment is discrimination or verbal/physical harassment which is based on the person's gender but which is not sexual in nature. Governors State University's policies prohibit gender based harassment, which may include discrimination or sexual violence on the basis of sexual orientation, gender identity or gender expression, and harassment or discrimination on the basis of sex-stereotyping.

Investigation is a fact finding inquiry by the Human Resources Department that attempts to determine whether behavior in violation of policy prohibiting discrimination or sexual violence occurred, and to make recommendations for resolution of the discriminatory or harassing conditions.

Notice of Investigation is the written statement provided to the Respondent advising him or her that an investigation will take place under the procedures herein. It will include a general statement of the concerns/allegations.

Outcome Letter is the letter provided to both parties at the end of the investigation. It generally includes: finding(s), and if applicable, and any actions the University will take to provide accommodations to the Complainant or safety measure(s) for the University community. Additionally, the letter may include a recommendation that the matter be referred for disciplinary review through the Student Conduct Committee.

Prohibited Conduct as used in this document means student-related concerns, connected to a University program or activity, regardless of whether the alleged Prohibited Conduct occurred on or off of campus, of sexual violence, domestic violence, dating violence, or stalking.

Respondent is the person who is accused of engaging in Prohibited Conduct.

Responsible Employee is an employee who has the duty to report prohibited conduct to appropriate university officials or an individual who a student could reasonably believe has the authority or responsibility. All employees of the University not considered a Confidential University Advisor are by definition Responsible Employees and are mandated to report prohibited conduct.

Sexual Discrimination is a behavior or action that denies or limits a person's ability to benefit from, fully participate in educational programs or activities or employment opportunities because of a person's sex.

Sexual Harassment is as defined in Board Policy 52. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to

participate in a University activity, OR

- b. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment.

Sexual Violence is the commission of an unwanted sexual act, whether by an acquaintance or by a stranger, that occurs without indication of consent.

Non-consensual sexual contact is defined as any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual touching includes, but is not limited to, any bodily contact with breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Non-consensual sexual intercourse is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.

Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Stalking means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, device, method or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

"Cyber-stalking" is considered a form of stalking in which a person utilizes any form electronic media, such as social networks, blogs, cellphones, texts, the internet or any other similar devices or forms of contact.

Student Code of Conduct is the disciplinary process within the Office of the Dean of Students for addressing allegations of breaches of the fundamental standard relating to sexual violence, domestic violence, dating violence or stalking.

Support Person. The Complainant and Respondent have the right to be assisted by a support person of their choice. The support person typically is a member of the Governor State University community (current student, faculty member, staff member, or administrator), but is not limited to the referenced categories.

Title IX of the Education Amendments of 1972 (Title IX) is a federal law that states "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."

Title IX Deputy Coordinator assists the Title IX Officer with all aspects of Title IX. The two deputy coordinators are Aurelio Valente, (where the respondent is a student) and Sandra Alvarado (where respondent is not a student).

Title IX Officer is the GSU employee responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Officer is Joyce Coleman, Associate Vice President for Human Resources & Diversity. As provided in Section VI, B – D, the Title IX Officer will be included in a joint decision-maker.

Violence Against Women Reauthorization Act of 2013, requires that universities have procedures in place to respond to matters of sexual assault, dating violence and stalking <http://clerycenter.org/article/vawa-amendments-clery>.

Witnesses are persons who have information about alleged sexual violence that will tend to prove, disprove, or otherwise illuminate an investigation of a complaint.

III. CONFIDENTIALITY & CONFIDENTIAL RESOURCES

A . Confidentiality & Confidential Resources

The University will make reasonable and appropriate efforts to preserve the Complainant's and/or Respondent's privacy and to protect the confidentiality of information. Should an Complainant request confidentiality, the Title IX Officer will inform the Complainant that the University's ability to respond may therefore be limited – but that where feasible, the University will take reasonable steps to prevent Prohibited Conduct and limit its effects.

The Title IX Officer will further inform the Complainant that it is not possible to provide confidentiality in all cases and that the University's decision to share information with others is subject to the balancing test described below in Section VI. In summary, although the University's goal is to limit the number of individuals who may learn about an allegation of Prohibited Conduct or an investigation, the University cannot guarantee confidentiality in all matters.

1. **Confidential Resources.** There are Confidential Resources at Governors State University. Discussing allegations of Prohibited Conduct with a Confidential Resource will not result in a report to the Title IX Officer. Confidential Resources include:
 - South Chicagoland YWCA Hotline 708-748-5672 (GSU Community Partner)
 - Counseling Services (for students) 708-235-7334 (confidential resource)
 - Employee Assistance Program – Magellan 866-659-3848 (confidential resource)

IV. REMEDIATION

The University reserves sole discretion and the right to take whatever measures it deems necessary in response to an allegation of sexual violence in order to protect students' rights and personal safety and the University community. Such measures include, but are not limited to, modification of living arrangements, reassignment of classes as available or removal from classes, interim suspension from campus pending a hearing, and reporting the matter to law enforcement.

V. REPORTING

To report a Title IX concern of Prohibited Conduct, please contact GSU's Title IX Officer: Joyce Coleman at jcoleman7@govst.edu or call the Title IX phone line at (708) 534-4571. Complaints may also be submitted electronically by visiting <http://www.govst.edu/TitleIX/>. Electronic submissions may also be done anonymously, may be done by third parties or bystanders.

There is no time limit for reporting Prohibited conduct to the University under this policy; however, a delay in reporting may hinder the University's ability to respond, as evidence may erode, memories of incident may fade and Respondents may no longer be a member of the University community.

Any GSU student who believes he/she has been subjected to Prohibited Conduct is encouraged to report such concern and may request that an investigation be conducted. Except for University-recognized confidential resources, the following University staff members with knowledge of unreported prohibited conduct (or potentially prohibited conduct) are considered Responsible Employees and must report such allegation(s) to the Title IX Officer:

- Faculty and teaching staff
- Unit/department heads
- Staff within the offices of Residence Housing, Student Affairs, Enrollment, Deans, and Associate Provosts, and other administrators.
- Additionally, any person with knowledge of prohibited conduct is obligated to report the concern to the Title IX Officer.

The University will not pursue disciplinary action against students for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in good faith regarding a report or investigation of Prohibited Conduct.

In addition, students who wish to have their case handled criminally should contact the Governors State University Department of Public Safety 708-534-4900 or the University Park Police Department 708-534-0913.

VI. ASSESSMENT OF THE CONCERN

Upon receipt of a report, the University, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment in order to determine whether a formal Title IX Investigation will be conducted under this procedure. The first step of the assessment will usually be a preliminary meeting with the Complainant, with the Title IX Officer, or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full investigation interview. At this meeting, the Complainant will be provided with information about resources, procedural options, and interim remedies.

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

In the course of this assessment, the University will consider the interest of the Complainant and their expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the University will seek action consistent with the Complainant's request. As part of the initial assessment of the facts, the Title IX Officer or designee(s) will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the Complainant;
- Notify the Complainant of the right to contact law enforcement and seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Enter the report into the University's daily crime log (Clery Act Requirement);
- Assess the reported conduct for the need for a timely warning under the Clery Act;

- Provide the Complainant with information about on- and off-campus resources;
- Notify the Complainant of the range of interim accommodations and remedies;
- Provide the Complainant with an explanation of the procedural options, including remedies-based resolution and judicial resolution;
- Inform the Complainant that they may elect a support person;
- Assess for pattern evidence or other similar conduct by Respondent;
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

Where a Complainant requests that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance this request with its dual obligations to provide a safe and non-discriminatory environment for all University community members and to afford a Respondent fundamental fairness by providing notice and an opportunity to respond before action is taken against a Respondent.

As appropriate for the individual circumstances of a concern, designated decision-makers under this procedure may consult with other departments or offices on campus such as the Department of Public Safety, University Housing, Student Affairs, General Counsel, Human Resources or academic departments. Subject to confidentiality concerns, the Title IX Officer will inform the General Counsel of concerns relating to sexual harassment and is responsible for all Title IX complaints. The following are the categories of Respondents:

- A. **Respondent is Student.** For concerns in which the Respondent is a student, the University has designated the Associate Vice President for Human Resources & Diversity as Title IX Officer or designee to manage concerns and make decisions under Policy 52 and in which both the Complainant and Respondent are students. The University has designated the Associate Vice President for Human Resources or his/her designee, to manage and decide appeals under this Policy/ Procedure when both the Complainant and Respondent are students. The Title IX Officer will work closely with the Dean of Students.
- B. **Respondent is Faculty Member.** For concerns in which the Respondent is a faculty member, the University has designated Associate Vice President for Human Resources & Diversity, or their designee, and the Associate Provost (Dean or equivalent) of the Respondent's college, or his/her designee, to work jointly and manage concerns and make decisions jointly under this policy/ procedure.
- C. **Respondent is Staff Member.** For concerns in which the Respondent is a staff member, the University has designated the Associate Vice President for Human Resources & Diversity as Title IX Officer, or their designee.
- D. **Respondent is Visiting Professors, interns, or other member of the GSU Community.** For concerns in which the Respondent falls into a category other than as described above in paragraphs A – C, the Title IX Officer, in consultation with others and after consideration of the specific circumstances of the matter, will determine whether it is appropriate to include a joint decision- maker as described in paragraphs B or C.

VII. DETERMINATION OF UNDERTAKING AN INVESTIGATION

If after assessing a concern as provided in Section VI above the Title IX Officer determines there is sufficient basis to initiate a Title IX investigation, the Title IX Officer or their designee will meet with the Complainant, when possible, to provide information about a Title IX investigation. A copy of this procedure will be provided to the Complainant. Before beginning an investigation, the Title IX Officer will contact the Complainant and request consent from the Complainant to proceed to an investigation. An investigation may still go forward even if the Complainant declines to consent, if appropriate, subject to

the balancing test provided by the Department of Education, Office for Civil Rights' April 4, 2011, Dear Colleague Letter. That letter states that, in such cases, institutions should balance factors including:

- The seriousness of the alleged harassment;
- The Complainant's age;
- Whether there have been other harassment complaints about the same individual; and
- The Respondent's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.¹

In some instances, the Title IX Officer may also refer the matter to another process (such as the Student Code of Conduct Process or the faculty discipline process) or to a University administrator (such as the Dean of Student or designee) to manage a concern on behalf of the Title IX Officer and in lieu of an investigation under this procedure.

VIII. PURPOSES OF AN INVESTIGATION

The purpose of an investigation is to determine:

- Whether Prohibited Conduct has occurred;
- Whether there is an ongoing risk of harm for further Prohibited Conduct (and if so, what steps should be taken to prevent its recurrence);
- Whether accommodations for the Complainant need to be put in place to redress the effects of Prohibited Conduct;
- Whether accommodations or safety measures should be put in place to make the GSU community safe;
- Whether the conduct warrants review by the DPS, if such review has not been initiated; and
- Whether system-wide or local changes to policies, practices or training should be considered and implemented.

IX. TIME FRAME OF A TITLE IX INVESTIGATION

A Title IX Investigation should normally be completed within 60 calendar days after the University has notice of an allegation of Prohibited Conduct. The Title IX Officer or their designee may extend this time frame for good cause, including University breaks. See Addendum A for detailed timeline.

X. INVESTIGATION PROCESS

A. Assigning an Investigator

When a determination is made to proceed with a Title IX investigation, the Title IX Officer will investigate or will assign an investigator or investigators. The Title IX Officer can delegate all or part of his/her responsibilities under the procedures herein. Investigators must be trained for Title IX cases.

B. Standard of Review

This Title IX investigation procedure will determine findings of fact using the "preponderance of the evidence" standard (i.e., it is more likely than not that the Prohibited Conduct occurred).

C. Cooperation

All GSU faculty, staff, students and community members are expected to cooperate in the investigation process, although students have the right not to incriminate themselves.

¹ Dear Colleague Letter, April 4, 2011, Officer for Civil Rights, p. 5.

D . Notice of Investigation

At the outset of an investigation, the investigator will advise the Respondent of the allegations against him/her in writing (Notice of Investigation) and a copy of the Notice of Investigation will be provided to the Complainant.

E . Opportunity to Participate

Both the Respondent and the Complainant will have an opportunity to respond to the Notice of Investigation in writing and in a meeting with the investigator. Both parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant documentary or other evidence.

F . Support Persons

Students may have a support person accompany him/her through the process. A support person may not speak for the student. (See definitions on pages 1 – 3).

G . Evidentiary Determinations

The investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, some reasons an investigator might decline to speak to an offered witness include: there is not a sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive; and confidentiality concerns balanced against the importance of the information. Similarly, some reasons that an investigator might decline to seek or review documentary evidence include: the University does not have the expertise to consider scientific evidence; the information is repetitive; cost considerations balanced against the importance of the information; and confidentiality concerns balanced against the importance of the information.

H. Prior Sexual History of a Complainant

In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the Anti-Discrimination and Harassment Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

I. Pattern Evidence by a Respondent

Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of sexual violence, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigator at the earliest opportunity.

J . Review of Title IX Officer

In the event the investigator is not the Title IX Officer, the investigator will provide a written report to the Title IX Officer, as appropriate to assist the decision-maker. In such cases, the Title IX Officer will review the report and may request further review from the investigator, or may ask for additional information directly from parties or witnesses.

K . Investigation Outcome

Upon completion of the investigation and review of all materials, the Title IX Officer or their designee will issue each party a written Outcome Letter including finding(s) of fact, and if applicable, any actions the University will take to provide accommodations to the Complainant, or safety measure(s) for the University community. The letter will also describe whether any systemic remedies are being considered or implemented. Additionally, the letter may include a recommendation that the matter be referred for disciplinary review by another University process, such as Student Code of Conduct (for students) or the Faculty Discipline Process (for faculty). An Outcome Letter will be provided to both parties, although the content of each letter may be modified subject to the limitations of FERPA and other relevant federal or state privacy laws. Where Prohibited Conduct has been found to have occurred by a Respondent employed by the University, the Outcome Letter will be provided to the Respondent's supervisor, HR designee or Dean, as appropriate under the circumstances.

XI. ACCOMMODATIONS, SAFETY MEASURES AND INTERIM MEASURES

A. Accommodations and Safety Measures

The University will take steps to prevent the recurrence of Prohibited Conduct through safety measures, and will redress its effects through appropriate accommodations. To the extent reasonable and feasible, the University will consult with the Complainant and Respondent in determining reasonable accommodations and safety measures. Appropriate actions may include one or more of the following:

1. Housing reassignments
2. Class reassignments
3. No contact directives
4. Limitation on extracurricular or athletic activities
5. Removal from University community
6. Referral to University disciplinary process
7. Review or revising University policies or practices
8. Honoring an order of protection or no contact order entered by a State civil or criminal court
9. Other appropriate actions as necessary to stop the Prohibited Conduct, prevent its recurrence, remedy its effect on the Complainant

B. Interim Measures

When the University has notice of an allegation of Prohibited Conduct, a Title IX Officer or designee may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the Title IX Investigation. When a qualified University staff member

imposes interim measures, a report of the actions taken should be reported to the Title IX Officer as soon as possible. Interim Measures may include the same accommodations provided above.

C. Potential Accommodations in the Event of No Investigation

Even if the University decides not to confront the Respondent because of the Complainant's request for confidentiality, the University may pursue other reasonable steps to limit the effects of the alleged harassment and prevent its recurrence as reasonable in light of the Complainant's request for confidentiality.

XII. RETALIATION

It is a violation of this Policy to retaliate against any person making a complaint of Prohibited Conduct or against any person participating in the investigation of any such allegation. Retaliation should be reported promptly to the Title IX Officer. Retaliation is grounds for University disciplinary action.

XII. PRE-HEARING PROCEDURES FOR STUDENT TO STUDENT SEXUAL VIOLENCE COMPLAINT PROCESS

A. Initiation of Charges

The University is responsible for student to student investigating allegations of sexual violence, determining if a threshold has been reached, and initiating charges. If the Title IX officer makes the threshold determination to resolve the complaint through the student conduct process, the student conduct administrator will issue a letter to both parties, typically within ten (10) business days, indicating that a formal charge has been issued by the University.

Both the Complainant and the Respondent will be given notice of the specific charges and the opportunity to be heard before a final determination of the case is reached.

B. Group Infractions

When members of a student group, organization, team or individuals acting collusively operate in concert in violation of the Anti-Discrimination and Harassment Policy, they may be charged as a group or as individuals, and a hearing may proceed against the group as joint Respondents or against one or more involved individuals as appropriate given available information and the circumstances.

C. Support Persons

Support person. The Complainant and Respondent have the right to be assisted by a support person of their choice. The support person can be a member of the Governor State University community (current student, faculty member, staff member, or administrator), but is not limited.

The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the hearing and meetings leading to the hearing. This person is not to address the panel, except to ask for a short recess if one of the parties requires some time to compose her/himself or collect her/his thoughts. The student conduct administrator has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person.

D. Role of the Attorney/Outside Agreements

A Complainant or Respondent may choose to seek the advice and assistance of an attorney at their own expense. An attorney may serve as a support person but must abide by the Support Person guidelines (see above). Additionally, the University will not recognize or enforce agreements between the parties reached outside of these procedures. If the support person is an attorney, the University's attorney may also attend the hearing.

E. Pre-Hearing Meeting with Complainant and Respondent

When a hearing is deemed necessary based on the review of the investigation report, the student conduct administrator, grievance advisor, and/or the violence prevention educator and advocate will contact the Complainant and/or Respondent to schedule separate meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions before the hearing occurs. If the Complainant and/or Respondent have elected to have advisers or a support person throughout the hearing process, that person is encouraged to be present at this initial meeting.

F. Notice of Hearing

Once each party has met with the student conduct administrator, a notice of hearing is sent to the Complainant and the Respondent. The notice of hearing provides each party with a statement of the policy violation(s) that are alleged to have taken place and a summary of the facts underlying the allegations. In addition, the notice provides the parties with the designated manner of adjudication (administrative hearing or external adjudicator), the name of the adjudicator or panel members, and the date, time, and place of the hearing.

In general, the hearing will be scheduled approximately fifteen (15) business days after the notice of hearing is sent. Under extenuating circumstances, this time frame may be extended.

G. Pre-Hearing Review of Documents

The Complainant and the Respondent will each have the opportunity to inspect all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements, and any other documentary information that will be presented at the hearing.

H. Witnesses

The Complainant and Respondent will be asked to identify witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. Witnesses will be interviewed and relevant information will be included in the investigation report. Witnesses will only be called to participate in the hearing at the request of the adjudicator.

I. Statements

The Complainant and the Respondent will have the opportunity to provide written statements. The Complainant may submit a written statement to initiate the student sexual **violence** complaint process. The Respondent may provide a response statement after they have received notice of a complaint.

J. Relevance

The student conduct administrator will review the investigation report, any witness statements, and any other documentary evidence to determine whether the information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the student conduct administrator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The student conduct administrator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

In cases where an external adjudicator will hear the case, the student conduct administrator may forego redaction of investigative materials to allow the external adjudicator to determine the relevance and/or weight to give to any information.

XIV. APPEAL

If the Complainant or the Respondent is dissatisfied with final determinations made under the procedures herein, that person may file an appeal. The Appeal must be filed in writing, as stipulated in [Policy 5 – Student Grievance Policy and Procedures](#), within 10 working days of the Outcome Letter, unless there is good cause for an extension, in such case, the cause of the delay must be included in the appeal.

A delay in filing the Appeal may be grounds for rejection of that Appeal. The Appeal should follow the standards for review provided here and the Appeal should state the remedy sought by the appealing party.

For the avoidance of doubt, the appeal process under the procedures herein will serve as the grievance process required under Title IX.

A. Grounds for Appeal

The grounds for the Appeal will usually be limited to the following considerations:

1. New compelling evidence that was not available at the time of the initial review. Whether or not the proper criteria was brought to bear on the decision. Whether or not improper or extraneous facts or criteria were brought to bear that substantially affected the decision to the detriment of the Complainant or the Respondent.
2. Any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Complainant or the Respondent.
3. Given the proper facts, criteria and procedures, was the decision one that a person in the position of the decision-maker might reasonably have made.

XV. THE TITLE IX PROCESS IN CONJUNCTION WITH OTHER UNIVERSITY AND POLICE INVESTIGATIONS

A. Administrative Process to Evaluate Conduct and Redress the Effects of Prohibited Conduct

This Title IX Process is an administrative process to evaluate, redress and prevent student-involved incidents of Prohibited Conduct; this is not a disciplinary process. When Prohibited Conduct is found to have occurred, the Title IX outcome will focus on providing accommodations for the Complainant, such as assistance with housing or academic needs; imposing safety measures to protect the Complainant and other affected community members; and implementing systemic remedies as necessary to improve policies and practices. The Respondent will not be subjected to discipline

through a Title IX process (although administrative actions to protect the victim or the community may be imposed).

B. Disciplinary and Corrective Action Processes

The University has a process that focuses on the imposition of discipline for individuals found responsible for violating a University Policy.

- For cases where the respondent is a student, the Student Code of Conduct reviews allegations of sexual violence, domestic violence, dating violence and stalking. The University also has processes to review the group conduct of student organizations including the Student Code of Conduct process.
- Similarly the University has other corrective action and disciplinary processes applicable to faculty, staff and other members of the University community. Where Prohibited Conduct has been found to have occurred by the Respondent, the Outcome Letter will be provided to the Respondent's supervisor, HR or Dean, as appropriate under the circumstances. In cases where the respondent is a student and faculty and /or staff, their role as an University employee will supersede that of student in guiding this process for disciplinary action.

C . Coordination of Title IX and Disciplinary Processes

Where possible the Title IX process will be coordinated with (as applicable) the Department/ Unit head, the faculty disciplinary process, a human resources review or other University reviews to avoid the need for multiple investigations of the same incident.

1. *Title IX Officer may rely on other University Processes or Findings.* When a concern of Prohibited Conduct is fully reviewed by the General Counsel, the faculty disciplinary process, human resources or another University process, the Title IX Officer may rely on the findings of the other proceeding without conducting an independent Title IX investigation. The Title IX Officer may take administrative actions necessary to redress the effects of the Prohibited Conduct on the Complainant and on the community, as described in Section XI and the Anti-Discrimination & Harassment Policy.
 - a. *In Order to Defer to Another Process, the process must be fair, equitable and prompt.* Both the Complainant and Respondent must have access to the following:
 - i. Adequate, reliable, and impartial investigation of complaints;
 - ii. An opportunity to object to the findings by the initial decision-maker; and
 - iii. Notice to parties of the outcome of the complaint, subject to FERPA and other privacy laws.

Following the finding of Prohibited Conduct under such a process, the Title IX Officer will take steps to prevent recurrence of any Prohibited Conduct and to correct its discriminatory effects on the Complainant and others, if appropriate.

2. *Title IX Officer will share information with other University processes.* If the Title IX Officer initiates an investigation prior to a disciplinary, group conduct or other University review, the Title IX Officer will generally complete the investigation. If another University process is then undertaken such as through the student Code of Conduct, the faculty disciplinary process or a staff corrective action process, the Title IX Officer will provide to that process a summary of the investigation conducted and finding(s) of fact.

Subsequent proceedings will review the summary of the investigation and finding(s) of fact and determine whether a proceeding under its process should move forward. Nothing in this Title IX Administrative Process is intended to instruct the subsequent process as to what information will ultimately be shared with the decision-makers in any subsequent process.

3. *Deferring Title IX Investigation to Another Process when an Investigation has been initiated.* While a Title IX investigation is under way, the Title IX Officer may determine it is in the best interest of the University and the parties to defer the Title IX Investigation to another process provided the provisions of Section XV(C)(1)(a)(i) are met. In such instances, the Title IX Officer should turn over the material gathered during the partial investigation to the other process. For example, if a Complainant decides to file a concern with the Dean of Students, the Title IX Officer may defer his/her investigation to the process as outlined in the Student Code of Conduct.

XVI. POLICE/CRIMINAL INVESTIGATION.

In addition to seeking redress through the University, students are also encouraged to report criminal concerns to the Department of Public Safety (DPS) or the jurisdiction where the incident took place. (Note that students are not required to report the matter to the police.) Local law enforcement agencies do not notify the university when a crime has occurred in their jurisdiction, so the University will not have notice of an incident unless a report is also made to the University. Further, reports made to the Department of Public Safety may be subject to state privacy laws, so the university may not be given notice unless the victim waives confidentiality. Therefore, victims are also encouraged to notify the University of Prohibited Conduct that has been reported to a police department. A criminal investigation is separate from a University process and will not be coordinated through the University.

XVII. REMEDIES-BASED RESOLUTION

Remedies-based resolution is a non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that remedies-based resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the University.

Examples of potential individual remedies are provided in the Section XI – “Interim Measures” of this procedure. Other potential remedies include targeted or broad-based educational programming or training, direct communication with the Respondent by the Complainant, communication with the Respondent by the Title IX Officer or a University administrator, or appropriate forms of restorative justice. Depending on form of remedies-based resolution used, it may be possible for a Complainant to maintain anonymity.

XVIII. RECORDS

The Title IX officer will retain records of all reports, allegations, and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or judicial resolution. Complaints resolved by Title IX assessment or remedies-based resolutions are not part of a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through student conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record.

The conduct files of students who have been suspended or expelled from the University are maintained in the Office of the Dean of Students for no fewer than seven (7) years after their departure from the University. Further questions about record retention should be directed to the dean of students.

Medical and law schools and some governmental agencies may require disclosure by the University of any student conduct findings. Students who transfer to other schools or participate in off-campus study programs may also be required to provide such information.

At the beginning of each academic year the director of student conduct will produce a summary of case dispositions summarizing the outcome of all cases that were heard the previous academic year, without revealing the identity of any of the participants in the proceedings.

XIX. RESOURCES

The most up-to-date list of resources is available on the GSU website under [Title IX](#).

Whether or not a Complainant chooses to make an official report of Prohibited Conduct, he/she is urged to seek appropriate help. There are numerous resources for students. Specific resources, either on or off campus, for medical treatment, legal evidence collection, obtaining information, support and counseling and officially reporting sexual violence are listed below. Each resource can assist a person to access the full range of services available. Please note that confidential resources are noted in parenthetical form following a resource.

A. Services Available 24 Hours a Day

- For emergency medical and police services, call 911 (or 9-911 from campus phones) or seek an Emergency Phone on campus. Individuals may also go to the Emergency Department at Franciscan St. James Hospital in Olympia Fields or Chicago Heights or to the nearest hospital emergency department.
- The YWCA Rape Center in Chicago Heights has a 24-hour telephone line at 708-748-5672. (*Confidential resource.*)
- For GSU students living on campus, contact an RA and request that the on-call University Housing Staff be paged. If the Complainant wishes to make an official report, call the Department of Public Safety.

B. Medical Treatment

An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible.

1. For life-threatening conditions, call 911 (or from a campus phone, call 9-911) or seek an Emergency Phone on campus.
2. For treatment of less serious injuries, students and/or their spouses/domestic partners can use Franciscan St. James Hospital in Olympia Fields or Chicago Heights.
3. For evaluation and prevention of sexually transmitted diseases and pregnancy, as well as consultation for other health issues, students and/or their spouses or domestic partners can use Aunt Martha's Health Center in Chicago Heights, Franciscan St. James Hospital in Olympia Fields or Chicago Heights, or Advocate South Suburban Hospital.

C. Medical-Legal Evidence Collection

An individual who has been sexually assaulted is encouraged to seek medical attention and request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

Federal law provides free medical-legal exams to victims of sexual assault. See the Violence Against Women Act of 2005 42 U.S.C. § 3796gg-4(d) or the Sexual Assault Survivors Emergency Treatment Act 410 ILCS 70. For assistance in seeking such an exam, contact the YWCA (708-754-0486) or GSU Police (911 or 708-534-4990). GSU community members are strongly urged to contact the YWCA as early as possible because it provides immediate support and advocacy and will coordinate services with other agencies if requested. The YWCA Sexual Assault Center in Chicago Heights, 24-hour telephone line is 708-748-5672. An individual seeking an exam is encouraged to request police escort to Advocate South Suburban Hospital or another crisis center.

Advocate South Suburban Hospital in Hazel Crest (708) 799-8000 has a Sexual Assault Treatment Center for providing evidence collection or medical-legal examination, and has specially trained staff prepared to collect such evidence in a sensitive manner. Please note that Advocate South Suburban Hospital is a mandated assault reporter under State law and may have legal obligations to provide a report of an assault to the local law enforcement agency.

D. Obtaining Information, Support and Counseling

Whether one chooses to make an official report, an individual who has suffered an act of sexual violence is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off campus, can help that person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling or reporting to authorities.

Information, support and advice are available (see resources below) for anyone in the GSU community who wishes to discuss issues related to sexual violence, regardless of where such incident has actually occurred and whether the person seeking information is a survivor, has been accused of sexual violence or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed, if possible (see Section IV, Confidentiality).

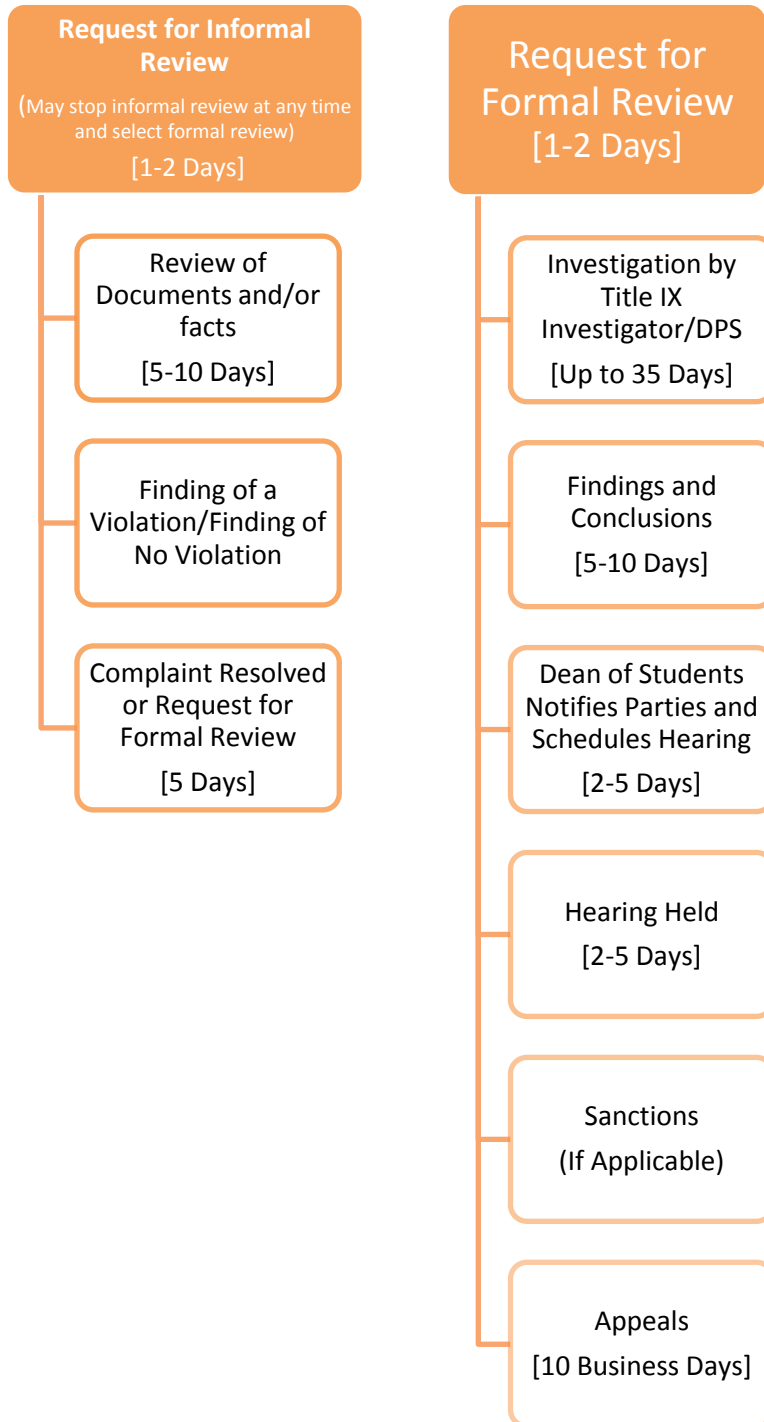
- YWCA Sexual Assault Counselor Hotline 708-748-5672 (*confidential resource*) www.ywca.org
- GSU Counseling Center 708-235-7334 (*confidential resource*)
- National Sexual Assault Hotline 1-800-656-HOPE (*confidential resource*)
- National Sexual Assault Online Hotline <https://ohl.rainn.org/online/> (*confidential resource*)
- Advocate South Suburban Hospital's Sexual Assault Treatment Center 708-213-4611
- Advocate South Suburban Hospital – Hazel Crest 708-799-8000
- Franciscan St. James Hospital – Chicago Heights 708-756-1000, Olympia Fields 708-747-4000
- Joyce Coleman, Title IX Officer, titleix@govst.edu; Aurelio Valente, Title IX, Deputy Coordinator –Students; Sandra Alvarado, Title IX, Deputy Coordinator-All non-students.
- Riverside Medical Center (Monee location) 708-534-7523
- Dean of Students, 708-235-7595
- Community Standards Handbook, <http://www.govst.edu/communitystandards/>

Addendum A



TITLE IX COMPLAINT PROCESS & TIMELINE

Sexual Assaults/ Violence 60 DAYS



Addendum A (continued)



TITLE IX COMPLAINT PROCESS & TIMELINE

Complaints Involving Conduct of a **Non-Sexual** Nature 30 Days

