

ANTI-SEX DISCRIMINATION (TITLE IX) POLICY

Approved by:	The President
History:	Issued: 6/18/1996
	Revised: 10/15/2010, 8/09/2018 (on interim basis), 8/14/2020 (on interim basis), 3/23/2022, 7/01/2022, 8/01/2024 (on interim basis)
	Last Reviewed: --
Responsible University Office:	Title IX Office
Responsible Official(s):	Title IX Coordinator
Policy Category(ies):	Equity Affairs Human Resources Student Affairs

I. Purpose of Policy

Governors State University (the “University”) does not discriminate on the basis of sex, sexual orientation, or gender expression or identity; and prohibits sex discrimination in any education program or activity that it operates, as required by state and federal law (including Title IX), including in admissions and employment.

The University is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of unlawful sex discrimination and retaliation. Such misconduct violates the dignity of the individual and the integrity of the University as an institution of higher learning and, thus, will not be tolerated. The purpose of this Policy is to describe the University’s commitment to taking all appropriate steps to eliminate sex discrimination and retaliation, to prevent their recurrence, and to address their effects.

II. Scope and Application of Policy

A. Prohibition on Sex Discrimination

This Policy prohibits all sex discrimination occurring under the University’s education programs and activities in the United States. Conduct will be deemed to occur “under the University’s education programs and activities,” for purposes of this Policy, if it:

- (1) Occurs in or on property owned by the University;
- (2) Occurs at the location of, and during the course of, a University-sponsored program or activity operated on property not owned by the University;
- (3) Occurs in a building owned or controlled by a student organization that is officially recognized by the University;

- (4) Is committed using the University's networking and computing resources covered by the University's Acceptable Use Policy for Computing and Networking, Network Security and Wireless Computing (Policy 64), or successor policy covering the same subject matter; or
- (5) Is otherwise subject to the University's disciplinary authority as that authority is described herein or in another written policy properly adopted (including on an interim basis) by the University.

B. Support for Survivors of Sex-Based Harassment

The University provides support services for "survivors" of sexual violence, dating violence, domestic violence, or stalking, as defined below, to University students and employees regardless of when and where the event occurred.

C. Relationship with Federal and State Law

This Policy does not replace federal and state mandated laws and regulations, and, where there is a conflict, the provisions of applicable law and regulations will govern.

D. Relationship with Other University Policies and Procedures

To the extent that the applicable scope of this Policy and the Procedures promulgated hereunder overlap with the applicable scope of any other University policy or procedure, this Policy and the relevant Procedures hereunder shall apply and control.

III. Authority

This Policy is being revised by the authority of the University President, on an interim basis, in order to bring the University into compliance with the updated provisions of Title IX, which were first published by the U.S. Department of Education in the Federal Register on April 29, 2024, and become effective August 1, 2024. This version of the Policy will become effective on August 1, 2024, and will remain in effect until the University Board of Trustees has the opportunity to provide a directive on this subject matter and a permanent revision to this Policy can be made thereafter.

Upon becoming effective, this interim revised version of this Policy will replace and supplant all prior versions of this Policy and all prior versions shall be deemed deprecated. Concurrent with this interim revised version of this Policy becoming effective, all administrative procedures promulgated under the prior versions of this Policy are withdrawn and revoked and henceforth deemed deprecated.

IV. Definitions

A. Sex Discrimination and Related Definitions

- (1) “Sex discrimination” means discrimination against an individual because of that individual’s actual or perceived sex, gender identity or expression, and/or sexual orientation, and includes:
 - (i) Discrimination on the basis of sex stereotypes and sex characteristics;
 - (ii) Discrimination on the basis of pregnancy or related conditions; and
 - (iii) Sex-based harassment.
- (2) “Sexual orientation” and “gender identity or expression” mean the actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity or expression of an individual, whether or not traditionally associated with the individual’s designated sex at birth.
- (3) “Pregnancy or related conditions” means:
 - (i) Pregnancy, childbirth, termination of pregnancy, or lactation;
 - (ii) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - (iii) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

B. Sex-Based Harassment and Related Definitions

- (1) “Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity or expression), that is one or more of the following:
 - (i) “Quid pro quo harassment,” which is when an employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

- (ii) “Hostile environment harassment,” which is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the University’s education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (a) The degree to which the conduct affected the complainant’s ability to access the University’s education program or activity;
 - (b) The type, frequency, and duration of the conduct;
 - (c) The parties’ ages, roles within the University’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (d) The location of the conduct and the context in which the conduct occurred; and
 - (e) Other sex-based harassment in the University’s education program or activity.
- (iii) One or more of the following specific offenses:
 - (a) “Sexual violence” meaning physical sexual acts attempted or perpetrated against an individual without that individual’s consent or when that individual is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, sexual coercion, and all other offenses classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - (b) “Dating violence” meaning violence committed by an individual:
 - (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the individuals involved in the relationship.
- (c) “Domestic violence” meaning felony or misdemeanor crimes committed by an individual who:
- (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;
 - (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (3) Shares a child in common with the victim; or
 - (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Illinois.
- (d) “Stalking” meaning engaging in a course of conduct directed at a specific individual that would cause a reasonable person to:
- (1) Fear for the individual’s safety or the safety of others; or
 - (2) Suffer substantial emotional distress.
- (2) “Consent” means a freely, voluntarily, and knowingly given agreement to engage in sexual activity; and:
- (i) Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.
 - (ii) Lack of verbal or physical resistance or submission resulting from the use of force or threat of force does not constitute consent.
 - (iii) An individual’s manner of dress does not constitute consent.
 - (iv) An individual’s consent to past sexual activity does not constitute consent to future sexual activity. An individual’s consent to engage

in sexual activity with one person does not constitute consent to engage in sexual activity with another.

- (v) An individual can and may withdraw consent at any time.
- (vi) An individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing agreement due to circumstances such as, but not limited to: (a) the individual is incapacitated due to the use or influence of alcohol or drugs, (b) the individual is asleep or unconscious, (c) the individual is underage, or (d) the individual is incapacitated due to a mental disability.
- (vii) When consent is withdrawn or can no longer be given, sexual activity must stop.
- (viii) The definition of consent does not vary based upon an individual's sex, sexual orientation, or gender identity or expression.

C. Retaliation and Peer Retaliation

- (1) "Retaliation" means:
 - (i) Intimidation, threats, coercion, or discrimination against any individual by the University; a student of the University; or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity;
 - (ii) For the purpose of interfering with any right or privilege secured by Title IX, the Preventing Sexual Violence in Higher Education Act, or this Policy; or because the individual has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, informal resolution process, or hearing under the Procedures.
- (2) "Peer retaliation" means retaliation by a student against another student.

D. Additional Definitions

The following definitions also apply to this Policy:

- (1) "Aiding or facilitating" means when an individual or group of individuals promotes or encourages others to engage in certain conduct.

- (2) “Bystander” means an individual (other than a confidential employee, complainant, or respondent) who has or comes to have information about or related to conduct that reasonably may constitute sex discrimination under Title IX or this Policy, either through directly witnessing such conduct, learning of such conduct second-hand, or by virtue of their job duties for the University.
- (3) “Complainant” means:
- (i) A student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this Policy; or
 - (ii) A person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this Policy and who was participating or attempting to participate in the University’s education program or activity at the time of the alleged sex discrimination.
- (4) “Complaint” means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Prohibited Conduct under Title IX or this Policy.
- (5) “Confidential employee” means:
- (i) The counselors and healthcare providers in the University’s Counseling and Wellness Center, with respect to information they receive while providing medical, mental health, and case management services;
 - (ii) Any other University employee whose communications are privileged or confidential under federal or state law, but only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - (iii) A University employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

- (6) “Corrective action” means any appropriate prompt and effective step(s), other than supportive measures, remedies, or disciplinary sanctions, to ensure that sex discrimination does not continue or recur within the University’s education program or activity.
- (7) “Disciplinary sanction” means a consequence imposed on a respondent determined, under this Policy and associated Procedures, to have violated this Policy and/or the University’s prohibitions on sex discrimination and retaliation.
- (8) “Preventing Sexual Violence in Higher Education Act” means the Illinois statute codified at 110 ILCS 155/1 *et seq.*, as it may be amended from time to time.
- (9) “Procedures,” as a capitalized term, means, generally, the administrative procedures promulgated in accordance with Section XIII of this Policy, as they may be approved and amended from time to time.
- (10) “Respondent” means a person who is alleged to have violated the University’s prohibition on sex discrimination and retaliation.
- (11) “Supportive measures” means individualized measures offered as appropriate; as reasonably available; without unreasonably burdening a complainant, respondent, or student experiencing pregnancy or related condition(s) (as applicable); not for punitive or disciplinary reasons; and without fee or charge to a complainant, respondent, or student experiencing pregnancy or related condition(s) (as applicable) to:
 - (i) Restore or preserve that individual’s access to the University’s education program or activity, including measures that are designed to protect the safety of the individual(s) or the University’s educational environment; or
 - (ii) Provide support during the University’s grievance procedures for resolving complaints or during an informal resolution process (if any) under the Procedures.
- (12) “Survivor” means an individual who has experienced sexual violence, domestic violence, dating violence, or stalking, regardless of whether that individual ever also qualifies as a “complainant” under this Policy.
- (13) “Title IX” means, collectively, Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. §§ 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), and all regulations promulgated thereunder, including 34 C.F.R. Part 106, as such statutes and regulations may be amended from time to time.

V. Prohibited Conduct

All sex discrimination and retaliation, including peer retaliation, are prohibited in any education program or activity operated by the University or on property owned by the University.

Engaging in sex discrimination shall be a violation of this Policy. Conduct that results in any individual, on the basis of that individual's actual or perceived sex, sexual orientation, or gender identity or expression, being excluded from participation in, denied the benefits of, or subjected to discrimination under, any academic, extracurricular, research, occupational training, employment program or activity operated by the University, or in recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, compensation, or in any other terms, conditions, or privileges of employment by the University, shall constitute "sex discrimination," and engaging in such conduct shall be a violation of this Policy. Further, engaging in any conduct that constitutes retaliation, including peer retaliation, shall be a violation of this Policy. Aiding or facilitating sex discrimination or retaliation shall also be deemed a violation of this Policy. (All conduct that constitutes sex discrimination, retaliation, and aiding or facilitating all such conduct is, collectively, "Prohibited Conduct".)

The University reserves all rights to impose any appropriate and permissible disciplinary sanction against a respondent found to have committed Prohibited Conduct. For students of the University, engaging in Prohibited Conduct may result in disciplinary sanctions up to and including suspension, dismissal or expulsion. For employees of the University, engaging in Prohibited Conduct may result in disciplinary sanctions up to and including suspension, discharge or termination. For other respondents, engaging in Prohibited Conduct may result in disciplinary sanctions up to and including, bans, non-renewal of contract, and removal from and/or denial of entry onto University property or events.

VI. Designation, Responsibilities, and Authority of Title IX Coordinator

A. Designation of a Title IX Coordinator

The President shall ensure that the University has at least one employee designated and authorized to serve as Title IX Coordinator, as that title is used for purposes of Title IX. If there should be a period when more than one employee has been designated and duly authorized to serve as Title IX Coordinator, the President, or their delegee, will designate one of the Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the University's consistent compliance with its obligations under Title IX and the Preventing Sexual Violence in Higher Education Act.

B. Authority of the Title IX Coordinator

As a general matter, the Title IX Coordinator shall be vested with the authority necessary: (1) to carry out the duties assigned to them by this Policy, all associated Procedures, and

the provisions of Title IX; and (2) to enforce the provisions of this Policy and all Procedures.

The Title IX Coordinator is permitted to designate one or more employees as “Deputy Title IX Coordinators” to assist in coordinating the University’s efforts to comply with its obligations under Title IX and the Preventing Sexual Violence in Higher Education Act. The Title IX Coordinator is also permitted to delegate any specific duties of their office to a Deputy Title IX Coordinator or any other appropriate University employee or outside contractor.

C. Responsibilities of the Title IX Coordinator

The University’s Title IX Coordinator shall have the primary responsibility for coordinating the University’s efforts to comply with its obligations under Title IX and the Preventing Sexual Violence in Higher Education Act.

Duties of the Title IX Coordinator (or their delegee(s)) include:

- (1) Overseeing a training program or programs that satisfy the employee and student training requirements set out in Title IX and the Preventing Sexual Violence in Higher Education Act.
- (2) Maintaining one or more webpages, as part of the University’s website, on which the various policy(ies), procedure(s), and other pieces of information required by Title IX and the Preventing Sexual Violence in Higher Education Act are published and made accessible to the general public.
- (3) Coordinating and overseeing the University’s efforts to prevent discrimination against students experiencing pregnancy or related conditions and to ensure equal access to the University’s education programs and activities for students experiencing pregnancy or related conditions.
- (4) Overseeing the University’s procedures, processes, guidance, and/or infrastructure for making, accepting, and responding to reports of conduct that reasonably may constitute sex discrimination or retaliation.
- (5) Monitoring the University’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and taking steps reasonably calculated to address such barriers.
- (6) Establishing and overseeing the procedure(s) and process(es) for the prompt and equitable resolution of complaints of sex discrimination, including complaints of sex-based harassment, and retaliation.

- (7) Coordinating and overseeing the process for offering and implementing supportive measures, as appropriate, in accordance with Title IX and the Preventing Sexual Violence in Higher Education Act.
- (8) After sex discrimination has been found to have occurred, taking corrective action.
- (9) Coordinating the University's annual sexual misconduct climate survey for students as required pursuant to the Preventing Sexual Violence in Higher Education Act.
- (10) Chairing the University's Campus-Wide Task Force of Sexual Violence Prevention or otherwise coordinating the University's compliance with section 10 of the Illinois Campus Security Enhancement Act of 2008, 110 ILCS 12/10.
- (11) Ensuring the compilation and submission of the University's Preventing Sexual Violence in Higher Education Act Annual Report as required pursuant to section 9.21(b) of the Illinois Board of Higher Education Act, 110 ILCS 205/9.21(b).

VII. Publication of Notice of Nondiscrimination

The President (or their designee) shall create a notice of nondiscrimination by the University, as contemplated by Title IX, to be provided to all University students, employees, applicants for admission and employment, and all unions and professional organizations holding collective bargaining or professional agreements with the University. The President (or their designee) shall ensure such notice of nondiscrimination is distributed and published as required by Title IX.

VIII. Training

A. Training for Employees

The Title IX Coordinator (of their delegee) shall oversee, and University employees shall participate in, an employee training program that satisfies the requirements of Title IX and the Preventing Sexual Violence in Higher Education Act, and any other relevant law or regulation. Such training program will include training to be completed by new hires within 30 days of starting with the University, and annual training for all employees. Different employees may receive different types of training based on their position at the University and duties, provided that all required content is covered.

B. Training for Students

The Title IX Coordinator (or their delegee) shall also oversee, and students shall participate in, a student training program related to sexual assault awareness and prevention that satisfies the requirements of the Preventing Sexual Violence in Higher Education Act and any other relevant law or regulation.

IX. Reporting and Notification Requirements for University Employees

A. Reporting Requirements for Responsible Employees

Any University employee, who is not a confidential employee, **must** notify the Title IX Coordinator promptly when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or this Policy. An employee who is required to report under this paragraph A (*i.e.*, any employee who is not a confidential employee) is herein referred to as a "Responsible Employee."

The Title IX Coordinator shall notify Responsible Employees how they can make reports to satisfy this requirement. The duty to notify the Title IX Coordinator is personal to each Responsible Employee and is not satisfied merely by telling the information to a supervisor or assuming someone else has notified the Title IX Coordinator.

The requirements of this paragraph A apply to employees who are bystanders with respect to the conduct to be reported and do not apply to an employee who has personally been subject to the conduct to be reported under this Policy.

B. Notification Requirements for Confidential Employees

Confidential employees must explain to any individual who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX or this Policy:

- (1) The employee's status as confidential for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- (2) How to contact the Title IX Coordinator and how to make a complaint of sex discrimination; and
- (3) That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the University's grievance procedures.

C. Notification Requirements to Students Experiencing Pregnancy or Related Conditions

When a student informs any employee (including confidential employees) of the student's pregnancy or related condition(s), unless the employee reasonably believes that the Title IX Coordinator has already been notified, the employee must:

- (1) Promptly provide that student with the Title IX Coordinator's contact information; and
- (2) Inform that student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

The Title IX Coordinator shall notify employees how to meet these notification requirements.

X. Reporting Options for Complainants and Student Bystanders

The University will make available methods by which complainants (whether current University employees or students or otherwise) and student bystanders may report Prohibited Conduct. Such methods will include, but are not limited to, options for electronic reports and anonymous reports.

The Title IX Coordinator will publicize the available reporting options appropriately. Procedures and/or other material(s) from the Title IX Coordinator shall provide guidance to complainants and non-employee bystanders on making reports.

As a means of removing barriers to reporting, the University will generally offer any student, whether the complainant or a bystander, who reports conduct that reasonably may constitute Prohibited Conduct, limited immunity from being charged for policy violations related to the personal use of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of another individual at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

XI. Supportive Measures

The Title IX Coordinator (or delegee(s)) must ensure that supportive measures (as defined for purposes of this Policy) are promptly and effectively offered to and coordinated for, as appropriate:

- (1) Complainants upon the Title IX Coordinator's receipt of a report of conduct that reasonably may constitute sex discrimination under Title IX or this Policy;

- (2) Respondents during the resolution of complaints of sex discrimination; and
- (3) Students experiencing pregnancy or related conditions, upon receiving notice that a student is experiencing pregnancy or related conditions.

Further details about the processes for offering, coordinating, modifying, and terminating supportive measures will be prescribed by Procedures that meet the applicable requirements of Title IX and the Preventing Sexual Violence in Higher Education Act.

XII. Survivor Support Services and Primary Prevention and Awareness Programming

A. Support Services for Survivors

The Title IX Coordinator, Human Resources Department, and Student Affairs Department shall collectively ensure that appropriate support services are made available to employee and student survivors, regardless of where the sexual violence, domestic violence, dating violence, or stalking occurred, and that information about such support services, whether provided on campus or by off-campus community partners, is accessible to employees and students. Such support services may include, but would not necessarily be limited to:

- (1) Access to counseling services;
- (2) Access to trained confidential advisors (who are not Responsible Employees) to provide emergency and ongoing support to survivors of sexual violence, dating violence, domestic violence, and stalking;
- (3) Contact information for community-based sexual assault crisis center(s), community-based domestic/dating violence agency(ies); other community-based support service(s) and center(s), and local law enforcement agencies;
- (4) Assistance, upon the survivor's request, in notifying law enforcement regarding incidents of sexual violence, dating violence, domestic violence, and stalking;
- (5) Assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services;
- (6) Honoring orders of protection or no contact orders entered by a State civil or criminal court.

Such support services are to be in addition to, not in place of, any supportive measures that may appropriately be offered to, and implemented for, a complainant under Section XI.

B. Sexual Violence Primary Prevention and Awareness Programming

The Title IX Coordinator (or their delegee(s)) shall coordinate the University's provision of sexual violence primary prevention and awareness programming for all students who attend one or more classes on campus (and which may also be open to employees and other members of the community). Such programming may include, but would not necessarily be limited to, poster and flyer campaigns, electronic communications, group activities, art and other installations, films, guest speakers, symposia, conferences, seminars, panels, discussion groups, and other strategies designed to communicate the prevalence of sexual violence, domestic violence, dating violence, and stalking, and/or intended to prevent sexual violence, domestic violence, dating violence, and stalking before they occur.

XIII. Administrative Procedures

The President (or their delegee) shall promulgate administrative procedures to effectuate this Policy and the University's compliance with Title IX and the Preventing Sexual Violence in Higher Education Act as described in this Section. All such Procedures, and any subsequent changes thereto, shall become effective when approved by the President.

A. Compliance Procedures

The Title IX Coordinator (or their delegee) shall propose to the President, for the President's consideration, administrative procedures that cover, but are not necessarily limited to, the following subjects:

- (1) Reporting conduct that reasonably may constitute sex discrimination, including reporting methods for students and employees.
- (2) Responding to reports of potential sex discrimination, including: (a) supportive measures; and (b) emergency removals and administrative leaves.
- (3) Preventing discrimination against any student or employee based on their current, potential, or past pregnancy or related condition(s) and ensuring equal access to the University's education programs or activities for students and employees experiencing pregnancy or related conditions.
- (4) Training, education, and awareness efforts, including publication of relevant information.

- (5) Recordkeeping related to: (a) responses to reports of sex discrimination; (b) resolution of complaints of sex discrimination; and (c) training materials.
- (6) Aid, benefits, or services not provided by the University but in which any applicant, student, or employee may be required to participate (if any).
- (7) Privacy and confidentiality.

At their discretion, the Title IX Coordinator (or their delegee) may propose administrative procedures for a program of “informal” or “voluntary” resolution of reports and complaints of sex discrimination, including reports and complaints of sex-based harassment, that meets the requirements of Title IX.

B. Grievance Procedures for Complaint Resolution

The Title IX Coordinator (or their delegee) shall propose to the President, for the President’s consideration, administrative procedures prescribing processes for making and resolving complaints of sex discrimination, including complaints of sex-based harassment that occurred both before and after the effective date of this Policy. Such processes shall also cover the resolution of complaints of retaliation, including peer retaliation. The processes shall cover matters such as personnel, investigations, dismissals, hearings, decisions, disciplinary sanctions, appeals, and privacy and confidentiality. The procedures shall satisfy the various requirements imposed by Title IX (which requires the University to adopt “grievance procedures”) and the Preventing Sexual Violence in Higher Education Act.

XIV. Failure to Comply with Policy

It is imperative that University employees fulfill their responsibilities under Title IX and the Preventing Sexual Violence in Higher Education Act. Accordingly, it shall be a violation of this Policy for a University employee:

- (1) To fail to complete the required Title IX/Preventing Sexual Violence in Higher Education Act training as directed by the Title IX Coordinator;
- (2) To fail to meet their reporting and/or notification requirements described in Section IX;
- (3) Other than a complainant or respondent, to fail to cooperate with a complaint resolution process in accordance with the applicable grievance procedures promulgated under Section XIII; or
- (4) To fail to implement any supportive measures or corrective action as directed by the Title IX Coordinator (or their delegee).

Committing any of the violations described in this Section XIV may subject an employee to discipline.

It shall be a violation of this Policy for a student to fail to complete the required sexual assault awareness and prevention training described in Section VIII as directed by the Title IX Coordinator. Such a violation may subject a student to a “registration hold” on their account with the Registrar’s Office and/or to discipline.

It shall also be a violation of this Policy for any individual to knowingly submit a false report regarding alleged Prohibited Conduct or to make a frivolous complaint of Prohibited Conduct. Committing such offense may subject the reporter/complainant, if an employee or student, to disciplinary action, up to and including suspension, dismissal, or termination. False reports and frivolous complaints refer to cases where a reporter/complainant lacks a good faith belief that Prohibited Conduct might have occurred. This provision does not apply to reports and complaints made in good faith, even if the facts alleged in the report or complaint are not ultimately substantiated during a complaint resolution process or other investigation.

Further, any employee or student who is later proven to have intentionally given false or misleading information during the course of a complaint resolution process under the University’s grievance procedures may be subject to disciplinary action, up to and including termination or dismissal. However, the University will not discipline a party, witness, or others participating in a complaint resolution process under the University’s grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the University’s determination whether sex discrimination occurred.

XV. Privacy and Confidentiality

The University is committed to protecting the privacy of survivors, complainants, and respondents brought to the attention of the University pursuant to the implementation of this Policy and the Procedures. The University will disclose the personally identifiable information and other sensitive information about such individuals only as allowed by law. Under certain circumstances, disclosure of such information may be required by law, in which cases, the University will make all mandatory disclosures. For example:

- (1) If a report or complaint of Prohibited Conduct discloses the abuse of a minor, the University (and all University employees with knowledge) shall comply with the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5;
- (2) If a report or complaint of Prohibited Conduct discloses an immediate threat to the University community, the University will notify law enforcement as appropriate and issue a timely warning or emergency notice of the incident in the interests of community health and safety or as otherwise required by University obligations, such as the federal Jeanne Clery Disclosure of

Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"),
20 U.S.C. § 1092(f) and 34 C.F.R. § 668.46; and

- (3) The University will comply with valid subpoenas, court orders, and government agency orders as required by law.

Further, to the extent the disclosure of information related to or obtained during the course of receiving and responding to reports of Prohibited Conduct, offering and implementing supportive measures, providing support services to survivors, and resolving complaints pursuant to grievance procedures is allowed (but not required) by law, the University intends to maintain the confidentiality of such processes, proceedings, and procedures to the extent it can do so while still carrying out such processes, proceedings, and procedures.

Privacy protections and confidentiality considerations will be included in all Procedures as necessary and appropriate.

=====END OF POLICY TEXT=====

The foregoing Policy has been recommended and approved for adoption, on an interim basis as described therein, as follows:

RECOMMENDED: /s/ Kaitlyn Anne Wild DATE: _____
Kaitlyn Anne Wild, Director of
Compliance & Title IX Coordinator

APPROVED: /s/ Cheryl Green DATE: _____
Cheryl Green, Ph.D., President

(Copy of Policy with original signatures is available upon request.)