



***Governors State***  
**U N I V E R S I T Y**

**Title IX and Sexual Misconduct Policy**  
**Compliance and Complaint Procedures for Title IX and Sexual**  
**Misconduct Policy**

Approved as Interim Policy & Procedures by Dr. Elaine P. Maimon, GSU President

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# Policy Prohibiting Sexual Misconduct (Title IX)

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## I. Purpose of Policy

Governors State University (GSU) 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 discrimination and harassment, including sexual and gender based misconduct. 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 at GSU. The University is committed to taking all appropriate steps to eliminate sexual misconduct, prevent its recurrence and address its effects. The University encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. Individuals who are found responsible, under this Policy, will face disciplinary sanctions up to and including expulsion and/or termination of employment.

## II. Scope of Policy

This Policy prohibits all of forms sexual misconduct. It applies to all members of the University community, including students, faculty, staff, administrators, board members, consultants, vendors, visitors, and others engaged in business with the University. It applies to conduct on or off campus property that substantially interferes with the mission of the University including but not limited to, interference with the safety and well-being of self or others and/or interference with the academic pursuits or employment environment of its students, faculty, or staff.

## III. Prohibited Conduct

The University prohibits all forms of sexual misconduct: sexual harassment, sexual violence, domestic violence, intimate partner violence, and stalking: defined below and hereafter referred to as “prohibited conduct.”

**Sexual Misconduct** is a broad term that describes unwelcome or unwanted sex or gender based conduct and/or behavior of a sexual nature that is prohibited by the University and may also be prohibited by federal and state law. Sexual misconduct includes but is not limited to sexual assault, sexual violence, sexual exploitation, stalking, intimate partner violence or domestic violence and sexual harassment. It is a violation of this policy to commit these acts or to attempt to commit them.

**Sexual Harassment** is a form of sex discrimination when the conduct is based on an individual’s actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. It includes any unwelcome advances, requests for sexual favors, or any verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, living environment, or participation in a University activity;
- Submission to or rejection of such conduct by an individual is used as the basis for or a factor in such decisions affecting employment, education, living environment, or participation in a University activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or

abusive environment for that individual's employment, education, living environment, or participation in a University activity.

**Sexual Assault** is any type of sexual contact or sexual intercourse with another that occurs without that person's knowing and voluntary consent.

- **Non-Consensual Sexual Contact (i.e. fondling)** includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- **Non-Consensual Sexual Intercourse (i.e. rape)** includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact

**Sexual Exploitation** is taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include:

- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting others hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STD or HIV to another person;
- exposing one's genitals in non-consensual circumstances;
- inducing another to expose their genitals;

**Stalking** is when any person purposely and repeatedly (two or more times) engages in an unwanted course of conduct that would cause a reasonable person to fear for his, her, or others' safety, or to suffer substantial emotional distress. Course of conduct includes, but is 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 interferences with another person's property. Stalking can be either physical stalking or cyber stalking. Stalking may present a safety concern or be an indicator of a potential safety concern.

### **Intimate Partner Violence**

- **Dating Violence** refers to a type of intimate partner violence by a person who has been in a romantic or intimate relationship with the Complainant. Whether a relationship exists will depend on the length, type, and frequency of interaction.
- **Domestic Violence** refers to a type of intimate partner violence committed by a current or former spouse or relationship partner, current or former cohabitant, a person with whom a Complainant shares a child in common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law.

Intimate Partner Violence involves one or more of the following elements:

- Bodily injury (Purposely or knowingly causing reasonable apprehension of bodily injury);
- Emotional abuse creating apprehension of bodily injury or property damage; or
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

**Aiding or Facilitating** refers to when any individual or group of individual's aids, facilitates, promotes, or encourages another to commit a violation under this Policy.

**Retaliation** refers to any acts, threats, or attempts to discourage a person from reporting prohibited conduct or participating in the investigation or hearing process. Retaliation also refers to any acts, threats, or attempts to seek retribution against a Complainant, Reporting Party, Respondent, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Reporting Party or Accused Party.

#### **IV. Consent and Related Definitions**

**Consent** is a freely and knowingly given agreement to the act of sexual conduct or sexual penetration in question. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. While consent can be given by words or actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Silence cannot be assumed to indicate consent. Lack of verbal or physical resistance or submission resulting from the use of force or threat of force by the accused shall not constitute consent.

##### **Guidance for Consent:**

- One is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of sexual activity does not constitute consent to engage in other forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

- Individuals with a previous or current sexual relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent is not valid if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.
- A person's manner of dress does not constitute consent.
- An individual who is incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, incapacitated due to a mental disability, or otherwise physically helpless is unable to give consent. A person is considered incapacitated, or unable to give consent, if they are unable to understand the nature of the activity or give knowing consent due to the circumstances at the time in question.
- Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, slurred speech, vomiting, or being unable to communicate for any reason.

In the State of Illinois, persons under the age of 17 cannot legally consent to sexual activity. **A person violates this Policy if they have sexual contact with someone without their consent.**

**Respondent:** Refers to an individual involved in the complaint resolution process who has been accused of violating the Title IX/Sexual Misconduct Policy

**Complainant:** Refers to an individual who alleges and/or files a complaint alleging violation of the Title IX/Sexual Misconduct policy through the university's Title IX process.

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# Compliance and Complaint Procedures for Policy Prohibiting Sexual Misconduct (Title IX)

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## I. Reporting Options & Requirements

The University provides a variety of welcoming and accessible options so that all instances of, prohibited conduct will be reported. The University has a strong interest in supporting victims and survivors and encourages all such individuals or third party witnesses to report any incident to the University and, if it involves potential criminal conduct, to law enforcement. Upon receipt of a report, the University will provide the individual with a notification of their rights and options regarding filing a complaint, identifying campus officials who can provide assistance, and possible interim measures.

Members of the University community who believe they have experienced prohibited conduct have the right to choose whether or not to report the incident to the University or law enforcement, and, in most circumstances, have the right to choose whether or not to pursue a complaint with the University once the University receives a report.

Electronic Reports, to which a response will be provided within 12 hours of receipt during business hours (Monday – Friday, 8:30 a.m. – 5 p.m.) can be submitted online at <http://www.govst.edu/titleix>.

### A. Title IX Coordinator

All University community members are encouraged to report all incidents of sex and/or gender discrimination, harassment or retaliation directly to the Title IX Coordinator. The Title IX Coordinator is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations of prohibited conduct, to stop the harassing conduct, address its effects, and prevent its recurrence. Reports of certain crimes committed on campus will be reported to the GSU Police Department as required by the Clery Act.

#### **Sandra Alvarado**

##### **Title IX Coordinator**

1 University Parkway, C1360

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## B. Reporting Requirements for University Employees

### Prohibited Conduct

Any university employee who is required to report prohibited conduct is referred to as a “Responsible Employee.” Please note that all University employees, unless specifically exempted, are deemed Responsible Employees and are required to immediately report any information about prohibited conduct to the University’s Title IX Coordinator. As a Responsible Employee, you must not withhold any information from the University’s Title IX Coordinator.

*All university employees are considered Responsible Employees except:*

1. Professional counselors and healthcare providers in the Health and Student Counseling Center who provide university related mental health counseling and health services
2. Campus confidential advisors designated to provide confidential support and assistance to victims (as noted above)

If at the time of the report, there is a serious and continuing threat to anyone, you should immediately contact the GSU Department of Public Safety or other law enforcement agency.

As a Responsible Employee, if you believe someone may disclose information about prohibited conduct, you should inform them of your obligation to report the information and share information about confidential resources. Before and while discussing details of any incident of sexual misconduct with the individual, you should:

1. **Affirm** you are there to help, but you must report the incident, including names, if known, to your university’s Title IX Coordinator. This does not necessarily mean a formal complaint or investigation will be initiated if the individual requests confidentiality.
2. **Assist** in reaching confidential advocacy, counseling and other support services, resources for medical attention and/or to file a police report with the university or local law enforcement, if desired. See Section V: Where to Get Help for resources.
3. **Inform** a complaint can be filed directly with the university’s Title IX Coordinator. Confidentiality will be protected to the extent possible.
4. **Be supportive** and listen. **Remind** the individual you will be reporting the incident to the University Title IX Coordinator and they will be contacted about the incident. The Title IX Coordinator will provide additional assistance, resources and accommodations, as necessary and appropriate.
5. **Promptly report** to the Title IX Coordinator the names of the alleged perpetrator and complainant, witnesses, relevant facts and any safety concerns

### Incidents Involving Minors

All University employees, students, volunteers, and third-party contractors are obligated to report suspected child abuse and neglect to the Illinois Department of Children & Family Services (DCFS). The DCFS 24-hour Child Abuse Hotline is: 800-25-ABUSE (800-252-2873 or TTY 1-800-358-5117). This includes any and all incidents of sexual misconduct involving minors, which should be reported to the Title IX Coordinator as well. If you believe a child is in immediate danger of harm, call 911 first.

### **C. Reporting to Law Enforcement/Criminal Complaint**

The University encourages Complainants to pursue criminal action for incidents of prohibited conduct that may also be crimes under state criminal statutes. If you are not sure whether an instance of misconduct is a crime, contact the police for guidance. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes and may lead to the arrest of an offender or aid in the investigation of other incidents. An individual who has experienced prohibited conduct has the right to choose whether to file a police report. It is important to know that reporting the incident to police or University Police does not mean an individual is obligated to testify in court.

Contacting law enforcement is the best option to ensure preservation of evidence, which may only exist for a limited period of time, and to begin a timely investigative and remedial response. The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

The University's Policy, definitions, and burden of proof differ from Illinois criminal law. A Complainant may seek resolution through the University's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination on whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual misconduct has occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

#### **GSU Department of Public Safety**

Emergency Telephone Number: 911 (if calling from campus phone) or 708.534.4900 (if calling direct)

Campus Location: C1375

1 University Parkway  
University Park, IL 60484

#### **University Park Police Department**

698 Burnham Drive  
University Park, IL 60484  
Phone: 708.534.0913

### **D. Bystanders**

A bystander is a person who is present at an incident of prohibited conduct but is not directly involved. All reporting options in this Policy are available to bystanders. The University encourages bystanders to take reasonable and prudent steps to prevent or stop incidents of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the help of friends, contacting the GSU Department of Public Safety or other local law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive, moral obligation will be supported by the University and protected from retaliation.

## **E. Anonymous Reporting**

Any individual may make an anonymous report concerning an act of, prohibited conduct. A report can be made without disclosing one's own name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action. To speak to someone confidentially without filing a report, see the Confidential Resources section.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act. Anonymous reports may be submitted electronically at [www.govst.edu/titleix](http://www.govst.edu/titleix).

## **F. Reporting Considerations**

### **1. Timeliness of Report, Location of Incident**

Complainants and third party witnesses are encouraged to report, prohibited conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. However, there is no time limit on reporting violations of this Policy. If the Respondent is no longer a student or employee, the University may not be able to take action against the Respondent, but will still provide support for the Complainant and take steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the University. Off-campus conduct that substantially interferes with the mission of the University including but not limited to, interference with the safety and well-being of self or others and/or interference with the academic pursuits or employment environment of its students, faculty, or staff is covered by this Policy.

### **2. Amnesty for Personal Use of Alcohol or Other Drugs by Students**

The University seeks to remove any barriers to reporting. The University will generally offer any student, whether the Complainant or a third party, who reports, 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 person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

### **3. Confidentiality**

The University will make reasonable and appropriate efforts to preserve a Complainant's and Respondent's privacy and to protect the confidentiality of information. Should a Complainant request confidentiality, the Title IX Coordinator 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 sexual misconduct and limit its effects. The Title IX Coordinator 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 VIII. In summary, although

the University's goal is to limit the number of individuals who may learn about an allegation of sexual misconduct or an investigation, the University cannot guarantee confidentiality in all matters. The only completely confidential resources on-campus are the Confidential Advisor and Health and Student Counseling Services listed above.

#### **4. False Reporting**

The University takes the validity of information very seriously as a charge of, sexual misconduct may have severe consequences for the Respondent.

A Complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and/or civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation or hearing may be subject to disciplinary action.

#### **G. Retaliation**

Retaliation against a student or an employee who reports or discloses an alleged violation of this policy, or who participates in an investigation of a complaint, is prohibited. Retaliation is prohibited by University policy, state and federal law, and can lead to disciplinary action independent of the allegations.

#### **H. Response Protocol**

The University will respond to all reports of, sexual misconduct in a timely, effective, and consistent manner. Factors the University may consider in determining which response procedure(s) to follow include when the report is filed and how the Complainant chooses to proceed. The University's response procedures include, but are not limited to, the following:

1. All Responsible Employees who are aware of prohibited conduct are required to report the information to the Title IX Coordinator unless the employee is otherwise designated as a confidential resource.
2. The Title IX Coordinator will assist the Complainant in getting to a safe place. In doing so, the Title IX Coordinator will coordinate with the GSU Police as needed.
3. The Title IX Coordinator will encourage the Complainant to seek prompt medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the Complainant agrees to such medical treatment.
4. The Title IX Coordinator will inform the GSU Police of the report, if the report was not initially received by the Police Department.

5. The Complainant will have the option to file a criminal report with the GSU Police Department or appropriate jurisdiction. Declining to speak with the GSU Police Department, or other appropriate jurisdiction, at the time of the initial report does not preclude the Complainant from filing a criminal report at a later date.
6. The Title IX Coordinator will coordinate with a counselor from the Counseling Center if a student Complainant wishes to receive such services. Employee Complainants will be provided assistance in identifying resources.
7. The Title IX Coordinator will provide to the Complainant information describing the various reporting options described in this policy and available resources. The information will be discussed at the time of the initial report and provided in writing.
8. If the Complainant wishes to pursue a report through this process, the Title IX Coordinator will contact the Complainant within one (1) business day of receiving the report to discuss the process, as well as available options, including, but not limited to, academic assistance, alternative housing, or a “no contact” order from the University.
9. If the Complainant does not wish to pursue a report through this Policy, the Title IX Coordinator will provide a referral to appropriate resources listed in this Policy. The Title IX Coordinator will also provide information on available options, including, but not limited to, academic assistance, alternative housing, or a “no contact” order from the University. Please note that even if the Complainant chooses not to participate in this process or pursue the report as a criminal matter, the University is obligated to review the report and may initiate the investigative process if enough information is available.

Where appropriate, the support role of the Title IX Coordinator as described above may be performed by the Deputy Title IX Coordinator or other appropriate designee.

## **II. Interim Measures and Accommodations**

### **A. Overview**

Upon receipt of a report, and throughout the investigation and appeal process, the University will implement reasonable and appropriate interim measures designed to protect the parties involved. The University will maintain consistent contact with the parties to ensure that all reasonable safety, emotional, and physical well-being concerns are being addressed and will review any measures to ensure on-going effectiveness and necessity.

*Interim measures and accommodations are available regardless of whether an individual chooses to report an incident to University Police or local law enforcement or pursue a complaint with the University.*

A Complainant or Respondent may request separation or other protection, or the University may choose to impose interim measures without a request, to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process. The University will take immediate and responsive action to enforce a previously

implemented measure and disciplinary sanctions can be imposed for failing to abide by a University-imposed measure.

## **B. Range of Interim Measures**

The University will implement appropriate and reasonable interim measures. Potential measures, which may be applied to the Complainant and/or the Respondent to the extent reasonably available and warranted by the circumstances, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of an on-campus “no-contact directive”
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to transfer course sections or withdraw from a course
- Change in work schedule or job assignment
- Change in student’s University housing
- Limit of an individual’s or organization’s access to certain University facilities
- Voluntary leave of absence
- Take appropriate steps to ensure safe movement between classes and activities
- Uphold no contact orders or orders of protection issued by other bodies
- Providing academic support services, such as tutoring
- University-imposed administrative leave or separation
- Interim suspension
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this Policy.

## **III. Investigation, Determination, and Appeals**

Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the Policy to all individuals and allow the University to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and address its effects.

### **A. Title IX Assessment**

The University will conduct an initial Title IX assessment of every complaint under this Policy. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the Complainant’s expressed preference for resolution, and the necessity for any interim measures or accommodations to protect the safety of the Complainant, the Respondent, or the community. *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 University will:

- assess the nature and circumstances of the allegation
- address immediate physical safety & emotional well-being

- notify the Complainant of the right to contact law enforcement and seek medical treatment
- notify the Complainant of the importance of preservation of evidence
- assess the reported conduct for the need for a timely warning under the Clery Act
- provide the parties with information about on- and off-campus resources
- notify the parties of the range of interim accommodations and remedies
- provide the parties with an explanation of the procedural process
- assist in the selection of a support person for the parties
- 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 an
- Explain the University's policy prohibiting retaliation.

#### Complainant's Request for Confidentiality

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 and due process by providing notice and an opportunity to respond before action is taken against a Respondent.

#### Complainant's Request to Decline Investigation

In the event that a Complainant does not wish to proceed with an investigation, the Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation should nonetheless go forward. In making this determination, the University will consider, among other factors, whether the Complainant has requested confidentiality; whether the Complainant wants to participate in an investigation; the severity and impact of the sexual misconduct; the respective ages of the parties; whether the Complainant is a minor under the age of 18; whether the Respondent has admitted to the sexual misconduct; whether the Respondent has a pattern of committing sexual misconduct; the existence of independent evidence; and the extent of prior remedial methods taken with the Respondent. Where the University is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will communicate with the Complainant about the University's chosen course of action.

Following this assessment, the University may: 1) institute measures that are consistent with the Complainant's stated preference while balancing the University's responsibility to protect the University community; or, 2) initiate an investigation to determine if a violation of the Policy has occurred. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report for disciplinary action.

The determination as to how to proceed will be communicated to the Complainant in writing by the Title IX Coordinator. A Respondent will be notified when the University seeks action that would impact a Respondent, such as protective interim measures that impact the Respondent directly or the initiation of an investigation.

## **B. Investigation**

Where the Title IX assessment concludes that an investigation is warranted, the University will initiate an investigation. Before beginning an investigation, the Title IX Coordinator will contact the Complainant and request consent from the Complainant to proceed with an investigation. As discussed above, an investigation may still go forward without the Complainant's request.

When the Title IX assessment concludes that an investigation is warranted, the Title IX Coordinator will appoint an investigator and initiate an investigation accordingly.

In cases where the Respondent is a student and where the investigator finds that by a preponderance of the evidence the Policy was violated, the investigator will notify the Dean of Students that a violation has occurred and refer the matter to the Student Conduct Process as described in the [Student Handbook](#). If the student is a graduate assistant or student worker, the appropriate supervisor and the Dean of Students will receive notification. Those who were originally notified of the complaint will receive a copy of the written report.

In cases where the Respondent is an employee, the investigator will notify the Respondent's supervisor that the investigation is complete, and if a preponderance of the evidence supports a determination that a violation of the Policy occurred, will make recommendations for appropriate discipline. In all cases, the Department of Human Resources will be forwarded the findings in order to determine appropriate discipline. Those who were originally notified of the complaint will receive a copy of the written report.

## **C. Appeal Process**

If the Complainant or the Respondent is dissatisfied with the outcome of the Title IX Investigation, that person may file an appeal. Where the respondent is a student, the appeal should be filed in writing to the Dean of Students within five (5) working days of notification of the decision letter following the process outlined in the Student Handbook. Grounds for an appeal are limited to the following:

- **Procedural Error:** A procedural error occurred in the handling of the complaint which substantially affected the outcome of the hearing.
- **New Evidence:** New evidence exists, sufficient to alter a decision, which was not available at the time of the original hearing. Information will not be considered "new evidence" if the respondent or complainant did not attend the original hearing or voluntarily withheld information during the original hearing.
- **Sanctions not Appropriate for Violation:** The sanction imposed is substantially disproportionate to the severity of the violation for which the respondent was found responsible.

## **D. Substantial Compliance**

Substantial compliance with these procedures shall be deemed full compliance if the party challenging the procedures has suffered no substantial harm caused by the actual procedure used.

## **E. Sanctions**

### Employees and Other Individuals

If there is a finding of a Policy violation against a University employee or another individual, the University may impose sanctions pursuant to the applicable disciplinary procedures including, but not limited to:

- Apology to the victim
- Advice and counseling
- Required attendance at training
- Written warning
- Letter of reprimand
- Removal of sexually explicit material
- Required attendance at substance abuse training, if substance abuse was involved
- Loss of travel dollars
- Loss of choice assignments
- Change of job or class assignment
- Suspension, probation, termination
- Loss of access to the University

### Students

If there is a finding of a Policy violation against a student or student group, the University may impose sanctions under the Student Code of Conduct including, but not limited to:

- Apology to the victim
- Written warning
- Letter of reprimand
- Removal of sexually explicit material
- Prohibiting students from holding office or participating in activities such as sports events for a specified time
- Transferring the student to another class or job
- Disbanding or suspending a social organization or another student group involved in behavior
- Transferring students to different housing or prohibiting them from living in institutional housing facilities
- Requiring attendance at substance abuse training, if substance abuse was involved
- Requiring relevant community service
- Requiring perpetrators to attend workshops on peer harassment
- Loss of student worker position or graduate assistantship
- Suspension, probation, dismissal or expulsion

## **IV. Where to Get Help**

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by, sexual misconduct, whether as a Complainant, a Respondent, or a third party, will have equal access to support consistent with their needs and available University resources.

The University recognizes that choosing whether to make a report or how to proceed can be a difficult decision. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

### **Emergency Assistance and Medical Care**

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible following an incident that poses a threat to their safety or physical well-being. This is the best option to provide physical safety, emotional support, and medical care to the Complainant. It is also the best option to ensure preservation of evidence, which may only exist for a limited period of time, and to begin a timely investigative and remedial response. The University will escort any University member to a safe place, provide transportation to the hospital, assist in coordination with outside law enforcement agencies if applicable, assist in coordination with a victim's advocate, and provide information about the University's resources and complaint process.

#### Reporting to Law Enforcement

Assistance is available from the University and local law enforcement 24 hours/day, year-round, by calling the GSU Department of Public Safety or the local jurisdiction if off-campus. While on campus, any individual can request that a member of the Police Department respond and take a report. Every effort is made to protect the Complainant's identity.

#### Medical Care, Preservation of Physical Evidence and Forensic Exams

An individual can also contact a local medical provider (24 hours/day) such as St. James Hospital. The local medical providers can provide emergency and/or follow-up medical services, and provide an opportunity to discuss any health care concerns related to the incident in a confidential medical setting. Advocate South Suburban Hospital has Sexual Assault Nurse Examiners on staff and is equipped to conduct forensic sexual assault examinations (i.e. "rape kit") free of charge. Evidence of a sexual assault may be gathered during these exams, therefore it is recommended to avoid showering until the exam is conducted to preserve evidence. Additional guidance on preserving physical evidence can be found via RAINN (Rape, Abuse & Incest National Network): <https://rainn.org/get-information/sexual-assault-recovery/rape-kit>.

#### **GSU Department of Public Safety**

Emergency Number: 911 (if calling from campus phone)

Phone: 708.534.4900 (if calling from a cell phone)

Campus Location: C1375

#### **St. James Hospital and Health Center**

20201 Crawford Ave.

Olympia Fields, IL 60461

Phone: 708.747.4000

## **Advocate South Suburban Hospital**

17800 South Kedzie Ave.

Hazel Crest, IL 60429

Phone: 708.799.8000

## **Confidential Campus Resources**

The only University resources that afford complete confidentiality (assuming no other conditions require mandatory reporting, *i.e.*, known or suspected child abuse or neglect) are:

1. **Confidential Advisor** provides emergency and ongoing support to student survivors of sexual violence and relationship violence. The advisor will provide confidential services and have privileged and confidential communications with survivors. The advisor will inform the survivor of possible next steps regarding reporting options and possible outcomes, will notify the survivor of resources and services on-campus and in the community, will inform the survivor of their rights and the University's responsibilities to enforce orders of protection and no contact orders; and if requested by the survivor, the advocate will liaise with campus officials to secure interim protective measures and accommodations, and will liaise with campus officials, law enforcement and community resources to assist the survivor with making contact and/or reporting an assault. The GSU Confidential Advisor is:

### **Erica Wade**

#### **Director of Counseling and Wellness**

1 University Parkway, A Building 1120E

University Park, IL 60484

708-235-2127 ext. 2127

[ewade2@govst.edu](mailto:ewade2@govst.edu)

2. **Student Counseling Center** provides individual counseling, support and resources to students who have experienced sexual misconduct, sexual assault, or relationship violence. Students in need of information, emotional support, and/or counseling for issues of sexual assault, sexual misconduct, and relationship violence may seek confidential help at the Counseling Center. Speaking with a licensed counselor may be helpful in deciding how to proceed. Because of the privileged nature of these conversations, the Counseling Center will not share information about a patient/client (including whether or not that individual has received services) with the Title IX Coordinator or any other employee of the University without that person's express written permission. The Counseling Center may submit however, non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

Location: GSU Campus, Room A1120.

Hours: Monday – Thursday, 9 a.m. – 7 p.m. and Friday 9 a.m. – 5 p.m. (Hours may differ in summer and during break periods)

Phone: 708.235.7334

Email: [studentcounseling@govst.edu](mailto:studentcounseling@govst.edu)

Website: <http://www.govst.edu/counselingcenter/>

Additional community based counseling and advocacy resources can be found below.

3. **Advocate Health Services on Campus** can provide *students and eligible employees* with non-emergent or follow-up medical services, including testing for pregnancy and/or STIs (sexually transmitted infections), and provide an opportunity to discuss any health care concerns related to the incident in a confidential medical setting. Advocate Health Service is committed to protecting the privacy and confidentiality of all patient/client health information. All patient interactions with Advocate Health Service are considered strictly confidential.

Location: Campus, Room A1120

Hours: Mondays - Thursdays, 12 p.m. - 6 p.m. and Fridays 9 a. m. - 1 p.m. (Hours may differ in summer and during break periods)

Phone: 708.235.2114

Website: <http://www.govst.edu/advocate-health-center/>

4. Employees have access to the **Employee Assistance Program (EAP)**, which is a free and confidential resource. More information is available on the Central Management Services [Employee Assistance Program](#) web site.

### **Off-Campus Confidential Resources**

#### **YWCA South Suburban Center/Rape Crisis Hotline**

The YWCA provides assistance to victims of sexual assault, educates about the effects of violence in the community, and promotes general health and wellness through Sexual Violence Support Services.

320 West 202nd St., Chicago Heights, Illinois 60411

Phone 708.754.0486

The YWCA Rape Crisis Hotlines operates 24 hours a day, 7 days a week to provide survivors of sexual assault/abuse and their significant others immediate support, crisis intervention and referrals for the city of Chicago and surrounding suburbs.

- Call 888-293-2080 in Chicago Metropolitan Area
- Call 630-971-3927 in DuPage County
- Call 708-748-5672 in the South Suburbs Anderson Hospital

<https://ywcachicago.org/our-work/sexual-violence-support-services/rape-crisis-hotline/>

#### **National Sexual Assault Hotline (24 hours a day, 7 days a week)**

The hotline operates 24 hours a day, 7 days a week to provide survivors of sexual assault/violence with immediate support, crisis intervention, and referrals for support services.

- Call 800.656.HOPE (4613)
- Online chat is also available via <https://rainn.org/>

## V. Additional Resources and Support Services

Whether or not a Complainant chooses to make an official report of prohibited conduct, they are urged to seek appropriate help. There are numerous resources available. Specific resources, either on-or off-campus, for medical treatment, evidence collection, obtaining information, support and counseling, and officially reporting a prohibited conduct. Each resource can assist a person to access the full range of services available. Discussing allegations of Prohibited Conduct with a Confidential Resource will not result in a report to the Title IX Coordinator.

### Non-Confidential Resources On-Campus:

#### Title IX Coordinator:

**Sandra Alvarado**  
**Title IX Coordinator**  
1 University Parkway, C1360  
University Park, IL 60684  
708.534.4100  
[titleixofficer@govst.edu](mailto:titleixofficer@govst.edu)

#### GSU Department of Public Safety:

**Police Services**  
1 University Parkway, C1375  
University Park, IL 60684  
708.534.4900

#### Office of the Dean of Students:

**Corey Williams**  
**Deputy Title IX Coordinator of Students**  
Associate VP for Student Affairs & Dean of Students  
1 University Parkway, C1314  
University Park, IL 60684  
708.235.6810  
[Cwilliams43@govst.edu](mailto:Cwilliams43@govst.edu)

#### University Housing Professional Staff:

**Auxiliary Services & University Housing**  
1 University Parkway, C1330  
University Park, IL 60484

Phone: 708.235.7110  
Email: [housing@govst.edu](mailto:housing@govst.edu)

**Prairie Place Residence Hall**  
1 Prairie Place, 107  
University Park, IL 60484

Phone: 708.235.7115  
Email: [housing@govst.edu](mailto:housing@govst.edu)

Office of Human Resources (when an employee is involved):

**Sandra Alvarado**

**Title IX Coordinator**

1 University Parkway, C1360

University Park, IL 60684

708.534.4100

[titleixofficer@govst.edu](mailto:titleixofficer@govst.edu)

University Ethics Officer:

**Sarah Luke**

**General Counsel and Vice President**

1 University Parkway, G364

University Park, IL 60684

708.534.7096

[sluke@govst.edu](mailto:sluke@govst.edu)

**Off-Campus Resources:**

Sexual Assault

- Call for Help Sexual Assault Victims Care Unit: 618-397-0975; <http://callforhelpinc.org/what-we-do/sexual-assault-victims-care-unit.html>
- St. James Hospital:
- Illinois Coalition Against Sexual Assault: 217-753-4117 or [www.icasa.org](http://www.icasa.org)
- National Sexual Assault Hotline: 800-656-HOPE(4673); <https://www.rainn.org/about-national-sexual-assault-telephone-hotline>

Relationship Violence

- National Domestic Violence Help Line: 877-TO END DV (877-863-6338); [http://www.cityofchicago.org/dam/city/depts/fss/supp\\_info/DV/MODVsafteycardEnglish.pdf](http://www.cityofchicago.org/dam/city/depts/fss/supp_info/DV/MODVsafteycardEnglish.pdf)
- AARDVARC – An Abuse, Rape and Domestic Violence Aid and Resource Collection at [www.aardvarc.org](http://www.aardvarc.org)
- The Illinois Coalition Against Domestic Violence: 217-789-2830; [http://www.ilcadv.org/about\\_icadv/contact.asp](http://www.ilcadv.org/about_icadv/contact.asp)
- Madison County State’s Attorney Domestic Violence Special Prosecution Unit: 618-692-6290; [http://www.co.madison.il.us/departments/state\\_s\\_attorney/domestic\\_abuse.php](http://www.co.madison.il.us/departments/state_s_attorney/domestic_abuse.php)
- Illinois Department of Children and Family Services: 800-25-ABUSE (800-252-2873); <https://www.illinois.gov/dcf/Pages/default.aspx>

Other

- Illinois Department of Central Management Services Employee Assistance Program; 866-659-3848; <https://www2.illinois.gov/cms/Employees/benefits/Pages/EmployeeAssistanceProgram.aspx>
- Will County State’s Attorney: <http://www.willcountysao.com/>

- Cook County State’s Attorney: <https://www.cookcountystatesattorney.org/>
- Land of Lincoln Legal Assistance Foundation: 618-394-7300 or 877-342-7891; <http://lollaf.org/>
- Illinois Attorney General’s Office: 1-800-228-3368; [www.ag.state.il.us/victims/](http://www.ag.state.il.us/victims/)
- Illinois Crime Victims Bill of Rights 725 ILCS 120-1, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1970&ChapterID=54>
- Illinois Crime Victims Compensation Program: 800-228-3368; <http://www.ag.state.il.us/victims/cvc.html>

### Additional Resources

- Center on Halsted (serving LGBTQA community): 773-472-6469  
<http://www.centeronhalsted.org/resource-directory/>
- Chicago Bar Association (legal services): 312-554-2000  
[http://www.chicagobar.org/AM/Template.cfm?Section=Need\\_a\\_Lawyer](http://www.chicagobar.org/AM/Template.cfm?Section=Need_a_Lawyer)
- Chicago Rape Crisis Hotline (24 hours, referrals, information, and counseling): 888-293-2080  
<https://ywcachicago.org/our-work/sexual-violence-support-services/rape-crisis-hotline/>
- Chicago Women's Health Center (gynecological care and counseling): 773-935-6126  
<http://www.chicagowomenshealthcenter.org/>
- Illinois Coalition Against Sexual Assault/Rape Victims Advocates (counseling, education and advocacy): 773-275-8340 <http://icasa.org>
- Illinois Legal Aid Online: (legal information) <https://www.illinoislegalaid.org/>
- LGBT Antiviolence Project (24 hours, referrals, information, and counseling): 773-871-2273  
Division on Domestic Violence in the Chicago Department of Family and Support Services: (24 hours, referrals, information): 877-863-6338  
[http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom\\_violence.html](http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom_violence.html)
- National Suicide Prevention Lifeline: 1-800-273-TALK (8255), en Español 1-888-628-9454  
<http://www.suicidepreventionlifeline.org/>
- Rape Victim Advocates (counseling): 312-443-9603 <http://www.rapevictimadvocates.org/>

## **VI. Education and Prevention**

In accordance with the University’s philosophy and mission, as well as Federal and State guidelines, programming and training about the Policy and the expectations of our community regarding prohibited conduct, reporting options and procedures related to incidents of, prohibited conduct and prevention are required for all students, faculty, and staff.

## **VII. Attribution**

Sexual assault, misconduct, intimate partner violence, stalking, and other violence are governed by State and Federal laws and statutes. This Policy was developed in accordance with Title IX of the Education Amendments of 1972, the Violence Against Women Act, and the Campus Sexual Violence Elimination Act, as well as guidance issued by the United States Department of Education Office of Civil Rights and the Illinois Statue 110 ILCS 155: Preventing Sexual Violence in Higher Education.

Additionally, policies from other institutions were reviewed including: Southern Illinois University Carbondale, Southern Illinois University Edwardsville, University of Illinois System, Northeastern Illinois University, Moraine Valley Community College, & Northwestern University.

This interim policy and procedure will become effective immediately and will remain in effect until a final policy is approved through the Governors State University Institutional Policy Committee.

This Interim Policy and Procedure is Approved:

Date:

Elaine P. Maimon

August 9, 2018

Dr. Elaine P. Maimon, President