



## Sexual Misconduct Policy for System Offices

### Policy Information

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**Policy Owner:** Senior Associate Vice President and Chief Human Resources Officer

**Approved by:** Senior Associate Vice President and Chief Human Resources Officer

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**Contact:** systemofficetitleIX@uillinois.edu

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## Part A: General Policy Provisions

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### Section 1. Purpose, Discrimination Prohibition, and Scope

#### a. Purpose

- 1) To foster an educational and workplace environment free from Gender and sex discrimination, including Title IX Sexual Harassment and other Sexual Misconduct;
- 2) To encourage reporting of alleged violations of this policy; and,
- 3) To provide for appropriate corrective action when violations of this policy occur.

#### b. Discrimination on the Basis of Gender or Sex is Prohibited

The University of Illinois System Offices (“System Offices”) prohibit and do not tolerate Gender or sex discrimination, which includes Title IX Sexual Harassment and other Sexual Misconduct. To prevent discrimination on the basis of Gender or sex, the System Offices ensure access to equitable educational opportunities and program participation across the University of Illinois System. No one is, on the basis of Gender, sex, or actual or perceived Sexual Orientation or Gender Identity, excluded from participation in, denied the benefits of, or subjected to discrimination under any University of Illinois System Education Program or Activity.

The System Offices are committed to providing and preserving an educational and work environment free from all forms of Gender and sex discrimination, including Title IX Sexual Harassment and other Sexual Misconduct.

#### c. Scope

This policy applies:

To all members of the System Offices community, including all University of Illinois System Students, System Offices employees, other affiliated individuals, and third parties, including but not limited to System Offices contractors, subcontractors, volunteers, applicants for employment or Discovery Partner Institute (DPI) programs, and visitors. Any person may report an alleged or suspected violation of this policy.

Allegations of Sexual Misconduct against individuals who are students at or employees of the universities or the hospital may be resolved in accordance with the relevant university’s sexual misconduct policy. After coordination with the appropriate university Title IX Coordinator, the System Offices Title IX Coordinator will inform the Complainant which sexual misconduct policy applies. The Respondent will be notified which policy applies when a formal complaint is submitted.

## **Section 2. System Offices Title IX Coordinator**

The System Offices Title IX Coordinator, or designee when permitted by law, coordinates efforts to comply with and carry out the responsibilities under this policy and is responsible for the effective implementation of any Remedies designed to restore or preserve equal access to any University of Illinois System Education Program or Activity.

The System Offices Title IX Coordinator receives concerns or reports by e-mail at [systemofficetitleIX@uillinois.edu](mailto:systemofficetitleIX@uillinois.edu), by mail at 440 Illini Union Bookstore Building, 807 S. Wright Street, MC312, Champaign, IL 61820, by phone at (217) 333-2600 or electronic submission through the System Human Resources Services website at [SO Complaint Form \(uillinois.edu\)](#). The Title IX Coordinator is available to meet in-person upon request or at any other appropriate University of Illinois System location.

## **Section 3. Definitions**

For the definitions of key terms used in this policy, see Appendix A. Defined terms used in this policy begin with capital letters.

## **Section 4. Awareness, Education, and Counseling**

### **a. Dissemination of the Sexual Misconduct Policy**

The System Offices post this policy and the associated procedures on the System Offices' Title IX website to ensure it is available to the entire System Offices community. A copy of this policy will be provided to anyone upon request.

### **b. Education, Awareness, and Prevention Programs**

Consistent with applicable federal and state law, the System Offices provide annual Sexual Misconduct prevention and Title IX Sexual Harassment training to all System Offices employees.

### **c. Confidential Advisors**

Confidential Advisors provide emergency and ongoing support to University of Illinois System Students who report being victims of Sexual Misconduct. For more information about Confidential Advisors and the services they provide, see Appendix B.

### **d. Counseling Services**

Employees requesting counseling services are provided information on accessing services available through the State of Illinois and university Employee Assistance Programs or through other resource providers.

Eligible University of Illinois System Students can obtain confidential counseling to help cope with the incident and/or explore options for reporting the incident. See Appendix C.

## **Section 5. Alleged Violations of this Policy**

### **a. Reporting Options**

Any person may report Sexual Misconduct involving University of Illinois System students, System Offices employees, other affiliated individuals, and third parties, including but not limited to System Offices contractors, subcontractors, volunteers, applicants for employment or DPI programs, and visitors (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone, or by email, using the contact information listed for the System Offices Title IX Coordinator in Section 2, or by any other means that results in the System Offices Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the System Offices Title IX Coordinator. Reports may also be submitted online, either confidentially, to the extent permitted by law, or anonymously.

In addition to notifying the System Offices Title IX Coordinator, persons believing they are the victim of Sexual Violence, Dating Violence, Domestic Violence, or Stalking, or who have information about the commission of such offenses, are encouraged to inform the University Police at their university or the local police. For a more complete discussion of reporting options and actions, see Appendix C. For other incidents involving alleged inequitable treatment on the basis of sex, contact the System Offices Title IX Coordinator.

The System Offices Title IX Coordinator provides persons reporting as victims of Sexual Misconduct with their rights and options in writing concerning reporting the allegations, relevant contact information, available assistance, supportive measures, accommodations, and Complaint resolution procedures.

### **b. Responsible Employee Reporting Requirements**

In order for the System Offices to respond effectively and proactively to prevent Sexual Misconduct, all System Offices Responsible Employees must report any suspected Sexual Misconduct they become aware of to the System Offices Title IX Coordinator.<sup>1</sup> Reports should be made as soon as possible, normally no later than 24 hours after becoming aware of the information. For a more complete discussion of Responsible Employee duties and responsibilities, see Appendix D. Responsible Employees who witness or learn about alleged Sexual Misconduct and who fail to report such conduct in a timely manner may be subject to disciplinary action, up to and including termination of employment.

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<sup>1</sup> Responsible Employees are not required to report disclosures made in connection with public awareness events when individuals do not intend to make a disclosure such as "Take Back the Night," candlelight vigils, protests, town hall meetings, survivor speak-outs, etc.

### c. Supportive Measures

The System Offices' concern for student, employee, and community safety is paramount. Accordingly, the System Offices provide anyone reporting safety concerns, including Complainants and Respondents, with written notice regarding how to request Supportive Measures. A non-exclusive list of Supportive Measures is found in Appendix E.

Supportive Measures are available whether or not a Complaint is filed. The System Offices Title IX Coordinator assists with identifying Supportive Measures taking into account the parties' requests and is responsible for coordinating their effective implementation. The System Offices keep the Supportive Measures confidential unless doing so would impair the ability to provide them.

### d. Emergency Removal

The System Offices may remove a Respondent from University of Illinois System Education Programs or Activities on an emergency basis. Any such removal will be based upon an individualized safety and risk analysis that determines the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifying removal. Immediately after the removal, the System Offices will provide the Respondent with notice and an opportunity to challenge the decision.

### e. Administrative Leave

Subject to applicable laws, regulations and policies, the System Offices may place a non-student employee Respondent on paid administrative leave during the pendency of the applicable grievance process.

### f. Confidentiality

The System Offices Title IX Coordinator and all System Offices administrators, supervisors, Responsible Employees, and others engaged in the administration or execution of this policy, keep confidential the identity of any individual who has made a report of Sexual Misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law, or to carry out the purposes of this policy, including but not limited to the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Although the System Offices do not restrict the ability of any party to discuss any Sexual Misconduct allegations under investigation or to gather and present relevant evidence, the System Offices request those involved in the Complaint resolution process to respect confidentiality, particularly when confidentiality is required to protect witnesses, prevent evidence from being destroyed, avert a threat that subsequent testimony would be fabricated, or prevent a cover-up.

## **Section 6. Employees with Grievance Rights**

Nothing in this policy overrides provisions in applicable state or federal law, System Offices governing documents, collective bargaining agreements, or other System Offices contractual obligations.

For State Universities Civil Service System employees found to have violated this policy and subject to the responsible administrator's recommendation that disciplinary action be taken, the employee is covered by "AN ACT TO CREATE THE STATE UNIVERSITIES CIVIL SERVICE SYSTEM" which specifies that "...no employee shall be demoted, removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense..." before an Advisory Committee of the Merit Board. Please contact System Human Resource Services for additional information and assistance.

## **Section 7. Conflicts of Interest**

Persons conducting functions pursuant to this policy, including but not limited to the System Offices Title IX Coordinator, Investigators, decision-makers, or anyone designated to facilitate an informal resolution process, must be free from conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

System Offices officials with a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent must recuse themselves from taking any part in the Complaint resolution process and notify the appropriate System Offices official so that a substitute can be designated. Either party concerned that an official with authority to make a finding or impose a sanction might have a conflict of interest or bias may request, in writing, a substitution of that official.

When the accused party is the System Offices Title IX Coordinator, the Senior Associate Vice President and Chief Human Resources Officer designates another appropriate administrator to fulfill the responsibilities of the System Offices Title IX Coordinator for purposes of implementation of this policy's procedures. The designated administrator must have the requisite training and experience and have no conflict of interest or prior involvement in the case. The designated administrator could include an official from the University of Illinois Urbana/Champaign, the University of Illinois Chicago, or the University of Illinois Springfield, subject to the concurrence of the respective Chancellor, as appropriate.

For any Sexual Misconduct matters where the Senior Associate Vice President and Chief Human Resources Officer acts as the System Offices Title IX Coordinator, the Executive Vice President or their designee will perform the functions assigned by this policy to the Senior Associate Vice President and Chief Human Resources Officer.

## **Section 8. Truthful Information: Retaliation Prohibited**

All persons providing information for any complaint, investigation, proceeding, or appeal under this policy are expected to be truthful. This does not require the disclosure of information protected under a legally recognized privilege unless such privilege has been waived. Knowingly making false statements or knowingly submitting false information may result in discipline. A determination of responsibility, alone, is not sufficient to conclude that false information was intentionally provided.

It is a violation of Title IX and/or this policy to retaliate against a person for reporting in good faith an alleged or suspected violation of this policy, or for assisting, participating, or cooperating in an investigation of the same. The System Offices take immediate and appropriate steps to investigate allegations of Retaliation and protect the parties, as necessary.

The reporting party can use the Complaint resolution mechanisms specified in this policy to allege Retaliation. Retaliation is a basis for disciplinary action or sanctions up to and including termination of employment.

## **Section 9. Filing Complaints with External Agencies**

Individuals believing they have experienced discrimination on the basis of Gender or sex in the System Offices have the right to initiate a complaint with an appropriate state or federal agency. For more information, see Appendix F.

# **Part B: Resolving Complaints Under Title IX**

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## **Section 1. Application**

Part B applies to Title IX Sexual Harassment in a University of Illinois System Education Program or Activity allegedly occurring against a person in the United States.

Conduct prohibited by Title IX and addressed by this part may violate other laws and policies, depending on context and circumstances, e.g., discrimination on the basis of sex in employment violates Title VII of the Civil Rights Act of 1964, as amended, and the University of Illinois Non-Discrimination Statement. Nothing in this policy prevents the System Offices from addressing Sexual Misconduct not covered by Title IX under other laws or other policies and procedures, including Part C, below.

## **Section 2. Complaint and Investigation Procedures**

### **a. Overview**

The System Offices are committed to treating Complainants and Respondents equitably by:

- Promptly resolving all alleged or suspected violations of this policy;
- Providing Remedies to a Complainant where a Determination Regarding Responsibility for Title IX Sexual Harassment has been made against a Respondent; and
- Following the grievance process set out in this policy before the imposition of any final disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

When the System Offices Title IX Coordinator becomes aware of an allegation that could constitute Title IX Sexual Harassment, the System Offices Title IX Coordinator promptly contacts the alleged victim, if known, to discuss the availability of Supportive Measures, explain the alleged victim's rights and options, and explain the process for filing a Formal Complaint. To be eligible to file a Formal Complaint, a Complainant must be participating in or attempting to participate in a University of Illinois System Education Program or Activity.

After learning of their options and getting answers to any questions they may have, Complainants decide whether to file a Formal Complaint. If they choose not to file a Formal Complaint or if they are not eligible to do so, the System Offices Title IX Coordinator will still discuss with them available Supportive Measures.

The System Offices are committed to resolving Complaints in a reasonably prompt timeframe. The System Offices strive to conclude the grievance process within 120 Days of Complaint filing. The System Offices permit the temporary delay of the grievance process or limited extensions of time for good cause with written notice to the Complainant and Respondent of the delay or extension and reasons for the action. Good cause may include, but is not limited to, the unavailability of a party, a party's advisor, or a witness; concurrent law enforcement activity; complying with collective bargaining agreements, complying with other legal requirements, or the need for language assistance or accommodation of disabilities.

#### **b. Formal Complaint Resolution Process**

Complainants desiring to submit a written Formal Complaint alleging Title IX Sexual Harassment should submit it to the System Offices Title IX Coordinator in person, by regular mail, or email. Formal Complaints submitted by Complainants must be signed, either physically or digitally, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time a Complainant files a Formal Complaint with the Title IX Coordinator, the Complainant must be participating in or attempting to participate in a University of Illinois System Education Program or Activity.

The System Offices Title IX Coordinator may also initiate the Formal Complaint process on their own accord after becoming aware of an allegation of Title IX Sexual Harassment. In such cases, the Title IX Coordinator is not considered a Complainant or otherwise a party to the Complaint and all requirements under this policy continue to apply.



For more information on the Title IX Formal Complaint resolution process, see Appendix G.

### c. Investigating the Complaint

Formal Complaints that are not dismissed either by the System Offices Title IX Coordinator or on appeal are investigated by a trained Investigator. Investigations are conducted in a prompt, thorough, fair, and impartial manner. As part of the investigation process, the Investigator initially identifies themselves to the parties and gives each party the opportunity to request from the Senior Associate Vice President and Chief Human Resources Officer or their designee a different Investigator if there is a conflict of interest. The burden of gathering evidence sufficient to reach a Determination Regarding Responsibility on the allegations rests with the System Offices, which use the Investigator to collect evidence for the investigation and prepare a Report of Investigation.

Any pending criminal investigation or criminal proceeding may impact the timing of the System Offices' investigation, but the System Offices will commence an investigation as soon as possible. The System Offices coordinate with law enforcement investigations and share information to the extent permitted by law and as appropriate. The System Offices reserve the right to commence and complete their own investigation prior to the completion of any criminal investigation or criminal proceeding.

For more information on investigating Formal Complaints under Title IX, see Appendix H.

### d. Title IX Informal Complaint Resolution Process

Depending upon the circumstances, the Complainant may desire to seek an informal resolution of the allegations of Title IX Sexual Harassment. Title IX informal complaint resolution is not available unless the Complainant has already filed a Formal Complaint. Participation in Title IX informal complaint resolution is completely voluntary on the part of all parties and any party has the right to withdraw from the Title IX informal complaint resolution process and resume the grievance process with respect to the Formal Complaint. Title IX informal complaint resolution is not an option in cases where a System Offices employee is alleged to have engaged in Title IX Sexual Harassment against a student. For more information on the Title IX informal complaint resolution process, see Appendix I.

## Section 3. Resolving Complaints

### a. Hearings

Unless the parties voluntarily agree to resolve a Formal Complaint using a Title IX informal complaint resolution process, all Formal Complaints are resolved through a live hearing which allows both parties to participate equally.

In consultation with an employee Respondent's supervisors, the Senior Associate Vice President and Chief Human Resources Officer or designee initiates the hearing process for System Offices

employee Respondents upon receipt of the report of investigation, together with any written responses submitted by the parties.

Upon completion of the grievance process, a written Determination Regarding Responsibility will be issued.

For more information on the Title IX hearing process, see Appendix J.

#### **b. Evidence of Non-Title IX Misconduct**

In the case of System Offices employee Respondents, the employee's supervisors and/or other officials review the report of investigation and Determination Regarding Responsibility to determine if there is evidence of other violations of law or policy. If there is evidence of non-Title IX violations, the disciplinary procedures applicable to those alleged violations are followed.

#### **c. Documentation**

The System Offices maintain the following records for a period of seven years:

- Title IX Sexual Harassment reports of investigation, Determinations Regarding Responsibility, recordings of hearings, any disciplinary sanctions imposed on the Respondent, and any Remedies provided to the Complainant.
- Any appeals and their results.
- Any Title IX informal complaint resolutions and their results.
- All materials used to train the Title IX Coordinator, Investigators, Hearing Decision-Makers, decision-makers on appeal, and any person who facilitates a Title IX informal complaint resolution process.
- Records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Title IX Sexual Harassment, together with the basis for concluding that the System Offices response was not deliberately indifferent. If the System Offices do not provide a Complainant with Supportive Measures, they will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- Documentation that the System Offices took measures designed to restore or preserve equal access to the University of Illinois System Education Program or Activity.

With the exception of training material posted on the System Offices Title IX webpage, all records are confidential and are made available to persons outside of the process only as required or permitted by law.

### **Section 4. Appeals**

Complainants and Respondents may appeal the System Offices Title IX Coordinator's decision regarding dismissal of a Formal Complaint or the Hearing Decision-Maker's Determination

Regarding Responsibility. Parties may appeal only on the following grounds: (A) procedural irregularity that affected the outcome of the matter; (B) new evidence that was not reasonably available at the time the Determination Regarding Responsibility or decision regarding dismissal was made that could affect the outcome of the matter; and/or (C) the System Offices Title IX Coordinator, Investigator, or Hearing Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The procedures for appealing the System Offices Title IX Coordinator's decision regarding dismissal of a Formal Complaint are set forth in Appendix K.

The procedures for appealing the Hearing Decision-Maker's Determination Regarding Responsibility are set forth in the Procedures for Alleged Violation of Part B (Title IX) of the System Offices Sexual Misconduct Policy by Employees.

Both parties retain any rights to file a complaint with an appropriate state or federal agency or the courts in accordance with applicable law.

## **Part C: Resolving Complaints Under Other Laws, Regulations, and Policies**

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### **Section 1. Application**

Part C addresses Sexual Misconduct under University of Illinois System policies and state or federal laws other than Title IX of the Education Amendments of 1972 and its implementing regulations. Applicable policies and laws include, but are not limited to, Title VII of the Civil Rights Act of 1964, as amended, and the University of Illinois Non-Discrimination Statement. Conduct addressed under this part may also violate Title IX and Part B of this policy.

### **Section 2. Complaint and Investigation Procedures**

The System Offices are committed to the prompt and equitable resolution of all allegations of Sexual Misconduct. When the System Offices become aware of an allegation of Sexual Misconduct, the System Offices take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to confidentiality rules). If the evidence establishes that the alleged Sexual Misconduct occurred, the System Offices take action reasonably calculated to end the misconduct, prevent its recurrence, and, as appropriate, remedy its effects.

The System Offices' ability to investigate in a particular situation may be affected by any number of factors, including whether the Complainant is willing to file a Complaint or consent to an investigation, whether the Respondent is a System Offices employee or DPI student,

where the alleged Sexual Misconduct occurred, and the System Offices' access to relevant information. The System Offices are nonetheless committed to investigating alleged Sexual Misconduct to the fullest extent possible.

Any pending criminal investigation or criminal proceeding may impact the timing of the System Offices' investigation, but the System Offices will commence an investigation as soon as possible. The System Offices coordinate with law enforcement investigations and share information to the extent permitted and as appropriate. The System Offices reserve the right to commence and complete their own investigation prior to the completion of any criminal investigation or criminal proceeding.

#### [a. Informal Resolution Process](#)

Issues or concerns may arise or be reported by the Complainant or others that, with the consent of all parties and the concurrence of the Title IX Coordinator, might be resolved using an informal resolution process. For more information on the informal resolution process, see Appendix L.

#### [b. Complaint Resolution Process](#)

Any person may submit a Complaint alleging Sexual Misconduct. Complaints are submitted in person or in writing to the System Offices Title IX Coordinator. Student complaints covered by this part should be submitted within one year and employee complaints within 180 Days of the occurrence of the matter being complained about. Complaints submitted outside this timeline are normally not investigated unless the System Offices Title IX Coordinator determines there is an ongoing risk to the safety of the System Offices community, although Supportive Measures are generally available for current University of Illinois System Students and employees without regard to when the matter being reported occurred. The System Offices Title IX Coordinator may also initiate the Complaint process on their own accord after becoming aware of possible Sexual Misconduct.

For more information on the Complaint resolution process, see Appendix M.

#### [c. Investigating the Complaint](#)

If the System Offices Title IX Coordinator determines that the issue or concerns presented, if true, would constitute a violation of applicable law or System Offices' policy, including this policy, they consult with the Complainant to determine if a formal investigation is appropriate. If a formal investigation is initiated, it is conducted in a prompt, thorough, fair, and impartial manner by the System Offices Title IX Coordinator or designee. As part of the investigation process, the System Offices Title IX Coordinator initially identifies themselves to the parties and gives each party the opportunity to request from the Senior Associate Vice President and Chief Human Resources Officer or their designee a different Investigator if there is a conflict of interest. The burden of gathering evidence sufficient to reach a determination regarding the

allegations rests with the System Offices Title IX Coordinator or other Investigator, as appropriate, who collects evidence for the investigation and prepares a report of investigation.

For more information on the investigation of Complaints and the report of investigation, see Appendix N.

### **Section 3. Resolving Complaints**

Unless the Complainant's concerns are resolved informally, Complaints are resolved as follows.

For System Offices employee Respondents, the System Offices Title IX Coordinator reviews the report of investigation, together with any written responses submitted by the parties, and prepares a written determination regarding whether the Respondent committed the alleged Sexual Misconduct.

The standard for determining whether the alleged Sexual Misconduct occurred is whether it is more likely than not, based on the evidence, that the Respondent committed the Sexual Misconduct as alleged. This is the "preponderance of the evidence" standard of proof.

The System Offices Title IX Coordinator encourages the parties to report if any issues resume and/or if retaliatory conduct occurs.

For more information on resolving Complaints, see Appendix O.

### **Section 4. Appeals**

Complainants and Respondents may appeal the Complaint outcome. See Appendix P.

## **Appendices**

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Appendix A: Definitions

Appendix B: Confidential Advisors

Appendix C: What To Do If You Are The Victim Of Sexual Misconduct

Appendix D: Responsible Employees

Appendix E: Non-Exclusive List of Supportive Measures and Corrective Action/Remedies

Appendix F: Filing Reports with External Agencies

Appendix G: Title IX Formal Complaint Resolution Process

Appendix H: Investigating Complaints Under Title IX

Appendix I: Title IX Informal Complaint Resolution Process

Appendix J: Title IX Hearing Process

Appendix K: Appealing Dismissals of Formal Complaints Under Title IX

Appendix L: Informal Complaint Resolution Process Under Other Laws, Regulations and Policies

Appendix M: Complaint Resolution Process Under Other Laws, Regulations and Policies

Appendix N: Investigating Complaints Under Other Laws, Regulations and Policies

Appendix O: Findings and Disciplinary Action Under Other Laws, Regulations and Policies

Appendix P: Appeals Under Other Laws, Regulations and Policies

## Appendix A Definitions

**Complaint.** A document filed by a Complainant alleging Sexual Misconduct against a Respondent and requesting that the System Offices investigate the allegation of Sexual Misconduct. A Complaint may be filed with the System Offices Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the System Offices Title IX Coordinator in Part A, Section 2. As used in this definition, the phrase “document filed by a Complainant” means a document or electronic submission (such as by email or through an online portal) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint. A Formal Complaint is a type of Complaint.

**Complainant.** Complainant means an individual who is alleged to be the victim of conduct that could violate the System Office’s Sexual Misconduct Policy.

**Confidential Advisor.** A Confidential Advisor is a person who is employed or contracted by the University of Illinois System to provide emergency and ongoing support to student survivors of sexual violence. Confidential Advisors can help students find needed resources and talk with students about reporting Sexual Misconduct. Confidential Advisors are not considered Responsible Employees. All communications between a Confidential Advisor and a survivor of Sexual Violence pertaining to an incident of Sexual Violence are confidential, unless the student victim consents to the disclosure in writing, the disclosure falls within a statutory exception, or failure to disclose the communication would violate state or federal law.

**Consent.** Consent means mutually understood words or actions indicating a freely given, informed agreement to engage in a particular sexual activity with a specific person or persons. Consent must be voluntarily given and cannot be the result of Coercion. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. A person's manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances, including without limitation the following:

1. the person is incapacitated due to the use or influence of alcohol or drugs;
2. the person is asleep or unconscious;
3. the person is under the legal age to provide consent; or

4. the person has a disability that prevents such person from having the ability or capacity to give consent.

To be found responsible in a case involving a Complainant who could not consent to sexual activity, the Respondent must have known, or should have known, the Complainant was unable to understand the nature of the sexual activity or give knowing consent due to the circumstances. "Should have known" is an objective, reasonable person standard. That is, would a reasonable person have recognized that the Complainant could not consent to the sexual activity.

**Coercion.** Coercion is the use of force, threats, intimidation, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact. In evaluating whether Coercion was used, the System Offices will consider: (1) the frequency, intensity, and duration of the pressure; (2) the degree of isolation of the person being pressured; and (3) any actual or perceived power differential between the parties in the context of their respective roles within the University of Illinois System. For example, when a person expresses a decision not to participate in a particular sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be Coercion.

**Dating Violence.** Dating Violence means violence committed by a person:

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:
  - a. the length of the relationship;
  - b. the type of relationship; and
  - c. the frequency of interaction between the persons involved in the relationship.

Dating violence does not include acts covered under the definition of Domestic Violence.

**Days.** Days means calendar days, excluding System Offices holidays and semester breaks.

**Determination Regarding Responsibility.** A Determination Regarding Responsibility is a written finding by the Hearing Decision-Maker regarding whether the Respondent did or did not commit the alleged Sexual Misconduct. In Title IX Sexual Harassment cases, the written notice of the Determination Regarding Responsibility to the Complainant and the Respondent must include:

1. identification of the allegations potentially constituting Title IX Sexual Harassment;



2. a description of the procedural steps taken from the receipt of the Formal Complaint through the Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. findings of fact supporting the Determination Regarding Responsibility;
4. conclusions regarding the application of the University of Illinois System's code of conduct to the facts;
5. a statement of, and rationale for, the result as to each allegation, including a Determination Regarding Responsibility, any disciplinary sanctions the System Offices impose on the Respondent, and whether Remedies designed to restore or preserve equal access to the University of Illinois System's Education Program or Activity will be provided by the System Offices to the Complainant; and
6. the System Offices' procedures and permissible bases for the Complainant and Respondent to appeal.

**Domestic Violence.** Domestic Violence includes any crime(s) committed against an individual by a current or former spouse or intimate partner (as defined under the family or domestic violence laws of Illinois), including but not limited to, domestic battery, aggravated domestic battery, stalking, aggravated stalking, cyberstalking, sexual assault, and sexual abuse.

**Education Program or Activity.** Locations, events, or circumstances over which the University of Illinois System exercises substantial control over both the Respondent and the context in which the alleged Title IX Sexual Harassment occurred. Education Program or Activity also includes any building owned or controlled by a student organization that is officially recognized by the University of Illinois System.

**Formal Complaint.** A Formal Complaint is a document filed by a Complainant or signed by the System Offices Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the System Offices investigate the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in a University of Illinois System Education Program or Activity. A Formal Complaint may be filed with the System Offices Title IX Coordinator in person, by mail, or by electronic mail, or any other method specified by the System Offices. A Formal Complaint can be a document or electronic submission (such as by electronic mail or through an online portal if provided for this purpose by the System Offices) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the System Offices Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the Formal Complaint.

**Gender.** Gender is a classification assigning masculine or feminine labels to people, typically based on biological sex and acknowledging only two genders, male or female/man or woman.

**Gender Expression.** The external display of one's Gender Identity, through an array of markers that may include dress, demeanor, social behavior, mannerisms, or other factors, generally measured on scales of masculinity and femininity.

**Gender Identity.** A person's internal sense of being male, female, or something else such as agender, binary, Gender fluid, Gender nonconforming, genderqueer, or nonbinary. Since Gender Identity is internal, one's Gender Identity is not necessarily visible to others. All people have a Gender Identity.

**Hearing Decision-Maker.** The individual or panel of individuals that conducts a hearing and makes a Determination Regarding Responsibility concerning a Formal Complaint of Title IX Sexual Harassment. Persons serving as Hearing Decision-Makers must be appropriately trained and must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Hearing Decision-Makers cannot include the System Offices Title IX Coordinator, the Complaint Investigator, or any other person who participated previously in the investigation or resolution of the Formal Complaint of Title IX Sexual Harassment.

**Inducing Incapacitation for Sexual Purposes.** Using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to Consent or refuse to Consent to sexual contact.

**Investigator.** An Investigator is a University of Illinois System employee or other person designated or retained by the System Offices to investigate Complaints under the System Offices' Sexual Misconduct Policy. Before investigating a Complaint, Investigators receive appropriate training, including on issues of relevance, to create a report that fairly summarizes relevant evidence.

**Remedies.** Remedies are measures designed to restore or preserve equal access to the University of Illinois System's Education Program or Activity. Remedies may include the same individualized services as Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

**Respondent.** Respondent means an individual who has been reported to be the perpetrator of conduct that could violate the System Offices' Sexual Misconduct Policy.

**Responsible Employee.** A Responsible Employee is any System Offices employee who has the authority to take action to redress Sexual Violence; who has been given the duty of reporting incidents of Sexual Misconduct to the System Offices Title IX Coordinator or other appropriate designee; or whom a student could reasonably believe has this authority or duty. Confidential Advisors are not considered Responsible Employees; however, all other System Offices employees, excluding undergraduate and graduate student employees, are considered Responsible Employees.

**Retaliation.** Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Retaliation may include, but is not limited to harassment, discrimination, threats, or adverse employment action. Any person or group within the scope of this policy who engages in prohibited retaliation is subject to a separate complaint of retaliation under this policy.

**Sexual Assault.** Sexual Assault means:

- **Forcible Fondling.** Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim. Private body parts include breast, buttocks, groin, and sex organs.
- **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim. This offense includes attempted rape and assault with intent to commit rape.
- **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim.
- **Forcible Sodomy.** Oral or anal sexual intercourse with another person, without the Consent of the victim.
- **Statutory Rape.** Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation.** Sexual Exploitation means the use of another person's nudity or sexual activity without Consent for the purpose of sexual gratification, financial gain, or anyone's advantage or benefit other than the person whose nudity or sexual activity is being used. Sexual Exploitation includes, but is not limited to:

1. observing, recording, or photographing nudity or sexual activity of one or more persons without their Consent in a location where there is a reasonable expectation of privacy;
2. allowing another to observe, record, or photograph nudity or sexual activity of one or more persons without their Consent; or,
3. otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons without their Consent.

**Sexual Harassment.** Unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunities, assessment or status with the University of Illinois System;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

**Sexual Misconduct.** Sexual Misconduct includes Title IX Sexual Harassment, Sexual Harassment, Sexual Violence, and the full range of unlawful sex-based misconduct under Illinois and federal law, regardless of whether it is specifically defined herein or in the System Offices' Sexual Misconduct Policy.

**Sexual Orientation.** A person's identity in relation to whom they are attracted to. All people have a Sexual Orientation. Sexual Orientation, Gender Identity, and Gender Expression are distinct components of a person's identity.

**Sexual Violence.** Sexual Violence means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving Consent.

**Stalking.** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Supportive Measures.** Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University of Illinois System's Education Program or Activity without unreasonably

burdening the other party, including measures designed to protect the safety of all parties or the University of Illinois System's educational environment, or deter Sexual Misconduct.

- Supportive Measures may include referrals for counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The System Offices will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the System Offices to provide the Supportive Measures.
- The Title IX Coordinator or designee is responsible for coordinating the effective implementation of Supportive Measures.

**Title IX Sexual Harassment.** Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

1. Quid pro quo: A System Office employee conditioning the provision of an aid, benefit, or service of the University of Illinois System on an individual's participation in unwelcome sexual conduct;
2. Hostile environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University of Illinois System's Education Program or Activity;
3. Sexual Assault (as defined in this policy);
4. Stalking (as defined in this policy);
5. Dating Violence (as defined in this policy); or
6. Domestic Violence (as defined in this policy).

**University of Illinois System.** The University of Illinois System is comprised of the universities at Urbana-Champaign, Chicago, and Springfield (the "universities", or individually the "university"); the University of Illinois Hospital & Health Sciences System (the "hospital"); and the System Offices (including Discovery Partners Institute (DPI)).

**University of Illinois System Students.** Includes students enrolled at the universities or attending classes at DPI.

## **Appendix B Confidential Advisors**

Confidential Advisors can provide survivors of Sexual Misconduct with information on available counseling and crisis response services, discuss possible next steps regarding reporting options and possible outcomes, and advise on victim rights and System Offices' responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by the System Offices or a criminal or civil court.

If requested, Confidential Advisors can liaise with System Offices officials, rape crisis centers, sexual assault centers, the University police, and/or local law enforcement. Confidential Advisors can also assist with:

- Contacting and reporting to System Offices officials, the University Police, and/or local law enforcement, and/or
- Requesting appropriate Supportive Measures.

Student Sexual Misconduct survivors desiring to speak with a Confidential Advisor may consult with the following Confidential Advisor resources:

- [UIC Campus Advocacy Network](#)
- [UIS Counseling Center](#)
- [UIUC Women's Resources Center](#)

Confidential Advisors have no obligation to report crimes to the System Offices or law enforcement. University Confidential Advisors report to their respective universities anonymous statistical data about the number and type of incidents of Sexual Misconduct they receive reports on so the information can be included in their university's Annual Security and Fire Safety Report (also known as the Clery Report).

Confidential Advisors receive 40 hours of training on Sexual Violence before being designated a Confidential Advisor and attend a minimum of 6 hours of ongoing education training annually on issues related to Sexual Violence to remain a Confidential Advisor. Confidential Advisors also receive periodic training on their campus administrative processes, Supportive Measures, academic and other accommodations, and Title IX Complaint resolution procedures.

## Appendix C

### What To Do If You Are The Victim Of Sexual Misconduct

#### A. If you are the Victim of Sexual Violence

1. **Emergency Situations.** Dial 911 for emergency law enforcement assistance or contact:
  - UIC Police at 312-355-5555
  - UIS Police at 217-206-6690
  - UIUC Police at 217-333-8911
  
2. **Seek Medical Attention Immediately.** If you are the victim of Sexual Violence, the System Offices strongly encourage you to go to a hospital emergency room, with a friend if possible. Healthcare providers can treat the physical consequences of Sexual Violence, such as injuries, concerns of pregnancy, and/or sexually transmitted diseases. Healthcare providers can also collect evidence even if you choose not to immediately seek criminal charges against an alleged offender. Healthcare staff are required by Illinois law to contact local law enforcement; however, you choose whether to speak with police personnel or decline to do so.
  - Hospitals in the Chicago area include:
    - UIC Hospital Emergency Room, 1740 W. Taylor Street, Chicago, IL 60612, 312-996-7298
  - Hospitals in the Springfield area include:
    - Memorial Medical Center, 800 N. Rutledge, Springfield, IL 62702, 800-798-3011
    - St. John's Hospital, 800 E. Carpenter Street Springfield, IL 62769, 217-544-6464
  - Hospitals in the Champaign/Urbana area include:
    - Carle Foundation Hospital, 611 W. Park Street, Urbana, IL 61801, 217-383-3311
    - OSF Heart of Mary Medical Center, 1400 W. Park Street, Urbana, IL 61801, 217-337-2131
  
3. **Preserve Evidence.** It is important that you not bathe, douche, smoke, change clothing or clean the bed/linen/area where you were assaulted so that evidence may be preserved if the offense occurred within the past 96 hours, as it may be helpful for proof of criminal activity. If necessary, you can place clothing or bedding in a clean paper bag until you are able to provide the items to local law enforcement. You are also encouraged to preserve other evidence by saving text messages, instant messages, social networking pages, and other communications, and keep pictures, logs or other copies of documents, if you have any, as they could be useful for disciplinary proceedings, police investigations, and/or seeking orders of protection.

#### B. Reporting Options

1. **To Police.** The System Offices and your University Police strongly encourage all members of the System Offices community to report alleged criminal conduct, including but not limited to Dating Violence, Domestic Violence, Sexual Violence, Sexual Exploitation, and Stalking, to the police. However, it is your choice whether to make such a report to the police and you have the right to decline involvement with the police. The System Offices Title IX Coordinator can assist you in notifying the University Police or off-campus law enforcement, should you choose to do so.

2. **To System Offices Title IX Coordinator:** You are encouraged to report allegations involving Sexual Misconduct to the System Offices Title IX Coordinator:

System Offices Title IX Coordinator: Alejandro Gomez

Telephone: (217) 300-0237

E-mail: [systemofficetitleIX@uillinois.edu](mailto:systemofficetitleIX@uillinois.edu)

Mailing address: 446 Illini Union Bookstore Building, MC312, Champaign, IL 61820

In person: 807 South Wright Street

If you decline to contact the System Offices Title IX Coordinator, it is possible the System Offices Title IX Coordinator may learn about the incident through reports by other people. In the event that occurs, you may be contacted by the System Offices Title IX Coordinator to address the incident and/or broader campus safety concerns.

### **C. Confidential Counseling**

Eligible University of Illinois System Students can obtain confidential counseling through the following offices to help cope with the incident and/or explore options for reporting the incident.

- [UIC Campus Advocacy Network](#)
- [UIS Counseling Center](#)
- [UIUC Counseling Center](#)

Professional counselors at these locations can provide support, help find needed resources, and talk with you about your reporting options. The System Offices Title IX Coordinator can also assist with requests for Supportive Measures, such as changes in workplace situations because of an incident.

### **D. Rape and Sexual Assault Crisis Centers**

Contact information for local, Illinois, and national rape and sexual assault crisis centers is available on the following university websites:

- UIC – [Campus and Community Resources](#) (scroll down the page for options)



- UIS – [Rights & Support Options](#) (click on the Confidential Counseling drop down menu)
- UIUC – [Resources](#) (click on appropriate link to see options)

### **E. Amnesty**

Any University of Illinois System Student who reports a violation of this policy in good faith in accordance with this policy will not receive a disciplinary sanction for an ancillary conduct violation, such as underage drinking, revealed in the course of the student’s report, unless the violation was egregious, including without limitation an action that places the health or safety of any other person at risk.

### **F. Compensation for Eligible Crime Victims through the State of Illinois**

If you are eligible, you may seek compensation under state law. If you do not have public aid or private medical insurance, the Illinois Sexual Assault Survivor’s Emergency Treatment Act covers emergency room costs if you go to a hospital. The hospital should not bill you for the treatment. Instead, the hospital is reimbursed by the Illinois Department of Public Aid.

Under the Illinois Crime Victim’s Compensation Act, you may be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime. Maximum reimbursement is \$27,000. If you plan to request compensation under this law, you should contact the toll-free Crime Assistance Line as soon as possible to ensure compliance with reporting deadlines. Information about these reporting requirements can be found through the Office of the Illinois Attorney General:

[www.illinoisattorneygeneral.gov/victims/cvc.html](http://www.illinoisattorneygeneral.gov/victims/cvc.html). The toll-free Crime Assistance Line is (800) 228-3368, or TTY (877) 398-1130.

## **Appendix D Responsible Employees**

Responsible Employees are required to report any Sexual Misconduct they become aware of to the System Offices Title IX Coordinator. Reports should be made as soon as possible, normally no later than 48 hours after of becoming aware of the information.

Given that reporting obligation, Responsible Employees must first inform persons seeking to report Sexual Misconduct to them that:

- The Responsible Employee is obligated to report the allegations, including the names (if known) of the persons being reported as the victim and the alleged perpetrator, to the System Offices Title IX Coordinator;
- The person has an option to request confidentiality and that there are confidential advocacy, counseling, or other support services available;
- The person has a right to file a Complaint with the System Offices and to report a crime to the University Police or local law enforcement;
- The System Offices will protect the person's confidentiality to the greatest extent possible; and,
- Reporting this information to the System Offices Title IX Coordinator does not necessarily mean that a Complaint or investigation will be initiated if the person requests confidentiality.
- The Responsible Employee should also ask the person reporting the Sexual Misconduct whether she or he has any safety concerns.

After receiving a report of Sexual Misconduct, a Responsible Employee must report the following information (if known) to the Title IX Coordinator:

- The names of the alleged perpetrator and victim;
- The names of witnesses or other students involved;
- Relevant facts including the date, time, and location of the alleged Sexual Misconduct; and,
- Whether there are any safety concerns.

All personal identifiable information must be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the Complaint or delivering resources or support services.

The Responsible Employee's reporting obligation is in addition to any reporting requirements that might otherwise exist, including the Abused and Neglected Child Reporting Act (ANCRA) and University of Illinois System Protection of Minors policy.

Responsible Employees who witness or learn about alleged Sexual Misconduct and who fail to report it in a timely manner may be subject to disciplinary action, up to and including termination of employment.

**Appendix E**  
**Non-Exclusive List of Supportive Measures and Corrective Action/Remedies**

The need for Supportive Measures and corrective action/Remedies is assessed on a case-by-case basis. Depending upon the circumstances, potential Supportive Measures, corrective action, and Remedies could include, but not be limited to, any of the following:

- Mutual restrictions on contact between the parties/no contact orders
- Campus no-trespass notices
- Making an escort available to assist the Complainant to move safely between classes and campus activities
- Adjusting schedules or methods of participating in activities to minimize campus contact between the Complainant and the Respondent
- Extensions of deadlines or other course-related adjustments
- Modification of work or class schedules
- Counseling services
- Medical services
- Academic support services
- Other appropriate academic accommodations
- Advising on the availability of no contact orders, or similar lawful orders issued by a criminal or civil court
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the reported Sexual Misconduct and the misconduct that may have resulted in the Complainant being disciplined
- Modifying work locations
- Adjusting reporting lines
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures

## **Appendix F**

### **Filing Reports with External Agencies**

Individuals who believe they have experienced Sexual Misconduct at the System Offices have the right – and may initiate – a complaint with an appropriate state or federal compliance agency. Employees may file Sexual Misconduct complaints with the Illinois Department of Human Rights (IDHR). Students may also file Title IX Sexual Harassment complaints with the U.S. Department of Education, Office for Civil Rights (OCR). In addition, any University of Illinois System employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for each agency appears below.

The System Offices are committed to taking prompt and fair remedial action to address violations of this policy regardless of whether a Complaint has been submitted to the System Offices or an external complaint has been filed. In fact, the filing of a complaint of discrimination with a state or federal civil rights agency does not relieve the System Offices of their responsibility to respond appropriately to a Sexual Misconduct Complaint. Accordingly, even if an external complaint is filed, the System Offices may continue to take appropriate actions consistent with this policy to address a Complaint.

#### **Illinois Department of Human Rights**

222 S. College St.  
Springfield, IL 62704  
(217)785-5100

#### **Office for Civil Rights**

U.S. Department of Education  
Citigroup Center  
500 West Madison Street, Suite 1475  
Chicago, IL 60661  
(312) 730-1650

#### **U. S. Equal Employment Opportunity Commission**

500 West Madison Street, Suite 2000  
Chicago, IL 60661  
(800) 669-4000

## **Appendix G**

### **Title IX Formal Complaint Resolution Process**

Upon receipt or initiation of a Formal Complaint, the System Offices Title IX Coordinator confers with the Complainant to establish the nature of the Formal Complaint. The System Offices Title IX Coordinator also provides the Complainant with a copy of this policy and written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both at the System Offices and in the community. The System Offices Title IX Coordinator also provides information about reporting the allegations to the University Police, local law enforcement authorities, and external civil rights agencies.

After conferring with the Complainant, the System Offices Title IX Coordinator provides written notice to the parties containing the following:

- Information about the applicable grievance process, including any informal resolution options.
- The allegations of Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review any evidence obtained as part of an investigation pursuant to this policy that is directly related to the allegations raised in the Formal Complaint.
- Notice that knowingly making false statements or knowingly submitting false information during the hearing process may result in discipline. A determination of responsibility, alone, is not sufficient to conclude that false information was intentionally provided.

**The System Offices Title IX Coordinator must dismiss the Formal Complaint if the conduct alleged in the Formal Complaint:**

- Would not constitute Title IX Sexual Harassment even if proved;
- Did not occur in a University of Illinois System Education Program or Activity; or,

- Did not occur against a person in the United States.

**The System Offices Title IX Coordinator may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:**

- A Complainant notifies the System Offices Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled in DPI or employed by the System Offices; or,
- Specific circumstances prevent the System Offices from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

If the System Offices Title IX Coordinator dismisses the Formal Complaint or any allegations therein for any reason, the System Offices Title IX Coordinator will promptly send simultaneous written notification to the parties. The written notification will include the reason for the dismissal. Either party may appeal the dismissal of the Formal Complaint in accordance with the procedures set forth in Appendix K. Dismissal of the Formal Complaint by the System Offices Title IX Coordinator does not preclude action on the alleged Sexual Misconduct under other applicable laws or non-Title IX policies or code of conduct provisions.

Supportive Measures are generally available for current University of Illinois System Students and employees even if the Formal Complaint or any allegations therein are dismissed.

The System Offices Title IX Coordinator may also initiate the Formal Complaint process on their own accord after becoming aware of an allegation of Title IX Sexual Harassment.

The System Offices Title IX Coordinator or the Hearing Decision-Maker may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

Whenever possible, Formal Complaints are addressed within 120 Days of filing, including completing the investigation and hearing and determining any sanctions, unless the System Offices reasonably determine for good cause that additional time is required. In such cases, the System Offices Title IX Coordinator simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent.

## **Appendix H**

### **Investigating Complaints Under Title IX**

#### **INVESTIGATION PROCESS**

The investigation process consists of the Investigator gathering relevant information and completing a written report of investigation. In order to gather relevant information, the Investigator gives both the Complainant and Respondent equal opportunity to be interviewed, to submit written statements, to provide the names and contact information for potential fact and/or expert witnesses or to submit written statements from those witnesses, and to submit or identify other inculpatory or exculpatory evidence for the Investigator's consideration. The Investigator may require that any statements from witnesses offered by the parties, including expert witnesses, be submitted in writing.

Before inviting a party to participate in the investigation, the Investigator will provide the party with written notice of the date, time, location, participants, and purpose of any investigative interviews or other meeting, with sufficient time for the party to prepare to participate.

In gathering relevant evidence, the Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Investigator obtains that party's voluntary, written consent to do so for use in the grievance process.

Similarly, the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Both parties have the right to have the assistance of and/or to be accompanied by an advisor of their choice at any meeting or interview they participate in as part of the investigation. The advisor may, but need not be, an attorney. Each party is responsible for any costs associated with their advisor. To ensure direct access to relevant facts and circumstances, the System Offices Title IX Coordinator may restrict the role advisors play in the investigatory process, provided such restrictions are evenly applied to both parties.

If, during the course of the investigation, the Investigator decides to investigate allegations about the Complainant or Respondent that were not included in the Formal Complaint notification discussed in Appendix G, the Investigator will coordinate with the System Offices Title IX Coordinator to provide notice of the additional allegations to the parties.

Any disclosures the Investigator makes regarding the Complaint (including in the case of employees to the Respondent's supervisory staff, the appropriate unit head, and the appropriate executive administrator) are made only if deemed necessary to conduct the

investigation or protect the rights of either the Complainant or the Respondent. All disclosures are consistent with FERPA or applicable employee privacy rights.

In conducting the investigation, the Investigator requires access to all pertinent material, records, reports, documents, and computerized information in the possession of any System Offices personnel, and the Investigator must be given the opportunity to interview all persons possessing relevant information unless exempt from disclosure or reporting under state or federal law.

Obstruction of an investigation of allegations of conduct prohibited by this policy is grounds for disciplinary action or sanctions by the appropriate body, up to and including termination of employment.

### **REPORT OF INVESTIGATION**

Prior to the completion of the report of investigation, the Investigator:

- May meet with either party for follow-up fact-finding efforts, or to collect additional information from any source, as required.
- Provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the System Offices do not intend to rely in reaching a Determination Regarding Responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Sends to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 Days to submit a written response, which the Investigator will consider prior to completion of the report of investigation.

After reviewing all relevant evidence and any response to the evidence submitted by the parties, the Investigator creates a report of investigation that fairly summarizes the investigation and the relevant evidence. At least 10 Days prior to the hearing to determine responsibility, the Investigator sends the report of investigation in an electronic or hard copy format contemporaneously to each party and the party's advisor, if any, for their review and written response.

The report of investigation, as well as any response received from either party, is forwarded to the Senior Associate Vice President and Chief Human Resources Officer for employee Respondents to conduct a hearing.



The Investigator may reopen the investigation at any time for good cause shown, including at the request of the parties, the System Offices Title IX Coordinator, or System Human Resources Services, and issue a revised report of investigation. In such cases, the above notice and comment rights apply to the revised report of investigation.

### **INVESTIGATION TIMELINE**

The Investigator normally completes the investigation and issues a report of investigation within 45 Days. The System Offices permit the temporary delay of the investigation timeline or limited extensions of time for good cause with written notice to the Complainant and Respondent of the delay or extension and reasons for the action. Good cause may include, but is not limited to, the unavailability of a party, a party's advisor, or a witness; concurrent law enforcement activity; complying with collective bargaining agreements, complying with other legal requirements, or the need for language assistance or accommodation of disabilities.

## **Appendix I**

### **Title IX Informal Complaint Resolution Process**

Informal complaint resolution of Title IX Sexual Harassment will not be offered to the parties unless the Complainant has already filed a Formal Complaint. Participation in Title IX informal complaint resolution is completely voluntary. Title IX informal complaint resolution is not an option to resolve allegations that an employee committed Title IX Sexual Harassment against a student. In all other cases involving a Formal Complaint of Title IX Sexual Harassment, prior to the Hearing Decision-Maker reaching a Determination Regarding Responsibility, the parties may voluntarily agree to a resolution that does not involve a full investigation and adjudication, subject to the following:

- Before the parties commit to Title IX informal complaint resolution, the System Offices Title IX Coordinator delivers to the parties a written notice disclosing: the allegations, the requirements of the Title IX informal complaint resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Title IX informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the Title IX informal complaint resolution process, including the records that will be maintained or could be shared; and,
- The System Offices Title IX Coordinator obtains the parties' voluntary, written consent to the Title IX informal complaint resolution process.

Once the above prerequisites are met, the System Offices Title IX Coordinator or designee meets with each party individually to discuss this policy and confirm that the System Offices Title IX Coordinator or designee has a complete understanding of the issues or concerns, including all pertinent facts and circumstances. The System Offices Title IX Coordinator or designee also confirms that both parties feel comfortable and confident that the System Offices Title IX Coordinator or designee understands their issues or concerns.

If after this discussion, both parties agree that the Title IX informal complaint resolution process is appropriate, the System Offices Title IX Coordinator or designee directly assists and guides effective and equitable problem-solving efforts, working with the parties and other relevant persons as appropriate.

The System Offices will not require waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment as a condition of enrollment or continuing enrollment at the University of Illinois (including DPI), employment or continuing employment, or enjoyment of any other right.

## **Appendix J Title IX Hearing Process**

In consultation with an employee Respondent’s supervisors, the Senior Associate Vice President and Chief Human Resources Officer or designee initiates the hearing process for System Offices employee Respondents upon receipt of the report of investigation, together with any written responses submitted by the parties. Detailed procedures for the conduct of such hearings can be found in the Procedures for Alleged Violation of Part B (Title IX) of the System Offices Sexual Misconduct Policy by Employees.

Respondents are presumed to be not responsible for the alleged conduct until a written Determination Regarding Responsibility is issued at the conclusion of the grievance process.

### **DETERMINATION REGARDING RESPONSIBILITY**

After evaluating all relevant, admissible evidence, the Hearing Decision-Maker reaches a Determination Regarding Responsibility. In reaching its findings with respect to each allegation of Title IX Sexual Harassment, the Hearing Decision-Maker uses the “preponderance of the evidence” standard. This means the Hearing Decision-Maker determines whether it is more likely than not, based on information gathered and examined, that the Respondent committed the Title IX Sexual Harassment as alleged. If so, the Hearing Decision-Maker refers the findings to the Senior Associate Vice President and Chief Human Resources Officer or designee for appropriate corrective options. The Respondent’s supervisors or other officials may take appropriate disciplinary action applicable to the Respondent’s employee group.

Once sanctions are imposed, the System Offices provide the written Determination Regarding Responsibility to the parties simultaneously, usually via email. The Determination Regarding Responsibility becomes final either:

- On the date on which an appeal would no longer be considered timely if no appeal is filed; or,
- On the date the System Offices provide the parties with the written determination of the result of the appeal if an appeal is filed.

### **SANCTIONS**

The range of possible sanctions for employee Respondents determined to have committed Title IX Sexual Harassment includes oral warnings, written warnings, or reassignment. A sanction may also include initiation of employment processes to effectuate a demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, and/or termination.

### **HEARING TIMELINE**

For employee Respondents, resolution of any employment action is in accordance with applicable employment policies, practices or collective bargaining agreements.

Administrators may take additional reasonable steps, as necessary, to prevent the recurrence of the Title IX Sexual Harassment and may request advice from the System Offices Title IX Coordinator to implement corrective action.

The System Offices Title IX Coordinator encourages Complainants to report if any issues resume and/or if retaliatory conduct occurs.

## **Appendix K**

### **Appealing Dismissals of Formal Complaints Under Title IX**

Both the Complainant and the Respondent may appeal the System Offices Title IX Coordinator's decision regarding dismissal of a Formal Complaint.

- Appeals of the dismissal of a Formal Complaint must be submitted in writing to the Executive Vice President or their designee within 7 Days of receiving the written notice of dismissal. The Executive Vice President or their designee will notify the other party in writing when an appeal is filed, provide an opportunity to that party to review the appeal unless prohibited by law, and allow that party to submit additional material to be considered together with the appeal. Any additional material must be submitted within 7 Days of being notified that the other party has appealed. Any additional material submitted is made available to the appealing party unless prohibited by law.
- The Executive Vice President may delegate or assign responsibility for reviewing the appeal of a dismissal of a Formal Complaint to an appropriate official at the Vice President level with the requisite training and having no conflict of interest or prior involvement in the case. Delegees may not include the System Offices Title IX Coordinator, the Investigator, or anyone else having any prior involvement in the case.
- The Executive Vice President or her/his designee will thoroughly review the appeal, any material submitted by the other party, and the written notice of dismissal. The Executive Vice President or their designee may also request any additional information, which will be shared with the parties in advance of the Executive Vice President or their designee's decision on the appeal unless prohibited by law. The Executive Vice President or her/his/their designee will issue a written decision within 14 Days following receipt of the appeal and any additional material submitted by the other party, unless the Executive Vice President or their designee determines additional time is necessary. The Executive Vice President or their designee will simultaneously notify the parties in writing of 1) any extension of time to render a decision and the reason for the extension, and 2) the decision on the appeal and the rationale for the result.

**Appendix L**  
**Informal Resolution Process Under Other Laws, Regulations and Policies**

Issues or concerns may arise or be reported by the Complainant or others that, with the consent of the parties and the concurrence of the Title IX Coordinator, might be resolved using an informal resolution process.

Before recommending or concurring with the informal resolution process, the System Offices Title IX Coordinator meets with the Complainant to discuss this policy and confirm that the System Offices Title IX Coordinator has a complete understanding of the Complainant's issues or concerns, including all pertinent facts and circumstances. The System Offices Title IX Coordinator also confirms that the Complainant feels comfortable and confident that the System Offices Title IX Coordinator understands the Complainant's issues or concerns.

If after this discussion, both the System Offices Title IX Coordinator and the Complainant agree that the informal resolution process is appropriate, the System Offices Title IX Coordinator directly assists and guides effective and equitable problem-solving efforts, working with the Complainant and other relevant parties as appropriate.

If at any time during the informal resolution process either 1) the Complainant desires to formally submit a Complaint, or 2) either party objects to the informal resolution process, the System Offices Title IX Coordinator will terminate the informal resolution process and address the matter consistent with the other provisions of this policy.

## **Appendix M**

### **Complaint Resolution Process Under Other Laws, Regulations and Policies**

Upon receipt or initiation of a Complaint, the System Offices Title IX Coordinator confers with the Complainant to establish the nature of the Complaint. The System Offices Title IX Coordinator also provides the Complainant with a copy of this policy and written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both at the System Offices and in the community. The System Offices Title IX Coordinator also provides information about reporting the allegations to the University Police, local law enforcement authorities, and external civil rights agencies.

Whenever possible, Complaints are addressed within 120 Days of filing, including completing the investigation and any process to adjudicate the allegations and, if appropriate, consider sanctions, unless the System Offices reasonably determine for good cause that additional time is required. Good cause includes complying with collective bargaining agreements, other System or university policies, and/or state statutes and regulations. In such cases, the System Offices simultaneously provide written notice of the delay and the reason for it to the Complainant and the Respondent.

For employee Respondents, resolution of any employment action is in accordance with applicable employment policies, practices, or collective bargaining agreements. Administrators may take additional reasonable steps, as necessary, to prevent the recurrence of the Sexual Misconduct and may request advice from the System Offices Title IX Coordinator to implement corrective action.

## Appendix N Investigating Complaints Under Other Laws, Regulations and Policies

### INVESTIGATION PROCESS

If the System Offices Title IX Coordinator determines that the issue or concerns presented, if true, would constitute a violation of this policy, they consult with the Complainant to determine if a formal investigation is appropriate. The Complainant has the option of requesting that no formal investigation be conducted. The System Offices Title IX Coordinator will consider the request in light of broader safety and institutional responsibilities when deciding whether it is appropriate to honor a request for no formal investigation. If the System Offices Title IX Coordinator concludes an investigation is appropriate, it is conducted by a trained Investigator, who may also be the System Offices Title IX Coordinator, in a prompt, thorough, fair, and impartial manner.

As part of the investigation process, the Investigator informs the Respondent of the nature of the Complaint. The Investigator meets separately with the Respondent and others deemed by the Investigator to be necessary to ascertain the factual basis of the Complaint. Any disclosures the Investigator makes regarding the Complaint (including in the case of employees to the Respondent's supervisory staff, the appropriate unit head, and the appropriate executive administrator) are made only if deemed necessary to conduct the investigation, provide appropriate services to the Complainant, or protect the rights of either the Complainant or the Respondent. All disclosures are consistent with FERPA or applicable employee privacy rights.

The investigation process consists of the Investigator gathering relevant information and completing a written report of investigation. In order to gather relevant information, the Investigator gives both the Complainant and Respondent equal opportunity to be interviewed, to submit written statements, to provide the names and contact information for potential fact and/or expert witnesses or to submit written statements from those witnesses, and to submit or identify other inculpatory or exculpatory evidence for the Investigator's consideration. The Investigator may require that any statements from witnesses offered by the parties, including expert witnesses, be submitted in writing.

Prior to completing the report of investigation, the Investigator:

- May meet with either party for follow-up fact-finding efforts, or to collect additional information from any source, as required.
- Provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.



- Allows the parties 14 Days to submit a written response, which the Investigator will consider prior to completing the report of investigation.

After reviewing all relevant evidence and any responses to the evidence submitted by the parties, the Investigator creates a report of investigation that fairly summarizes the investigation and the relevant evidence. The Investigator sends the report of investigation in an electronic or hard copy format contemporaneously to each party for their review and written response. Any written response must be received by the Investigator within 14 Days of the date the report of investigation was sent to the parties.

The report of investigation, as well as any response received from either party, is forwarded to the System Offices Title IX Coordinator.

The Investigator may reopen the investigation at any time for good cause shown, including at the request of the parties, the System Offices Title IX Coordinator, the relevant supervisors, or System Human Resources Services, and issue a revised report of investigation. In such cases, the above notice and comment rights apply to the revised report of investigation.

Both parties have the right to have the assistance of and/or to be accompanied by an advisor at any meeting or interview they participate in as part of the investigation provided that the involvement of the advisor does not result in undue delay of the meeting or interview.

The advisor may, but need not be, an attorney. Each party is responsible for any costs associated with their advisor. To ensure direct access to relevant facts and circumstances, the System Offices Title IX Coordinator may restrict the role advisors play in the investigatory process, provided such restrictions are evenly applied to both parties.

In conducting the investigation, the Investigator requires access to all pertinent material, records, reports, documents and computerized information in the possession of any System Offices personnel, and the Investigator must be given the opportunity to interview all persons possessing relevant information unless exempt from disclosure or reporting under state or federal law.

Obstruction of an investigation of allegations of conduct prohibited by the policy is grounds for disciplinary action or sanctions by the appropriate body, up to and including termination of employment and/or dismissal or expulsion.

## **Appendix O**

### **Findings and Disciplinary Action Under Other Laws, Regulations and Policies**

For System Offices employee Respondents:

- The System Offices Title IX Coordinator reviews the report of investigation, together with any written responses submitted by the parties, and prepares a written determination regarding whether the Respondent committed the alleged Sexual Misconduct. If so, the System Offices Title IX Coordinator refers the findings to the Senior Associate Vice President and Chief Human Resources Officer or designee for appropriate corrective options.
- The System Offices Title IX Coordinator provides the determination, as well as the report of investigation and any written responses submitted by the parties, to appropriate supervisors of the Respondent and other officials.
- The System Offices Title IX Coordinator also contemporaneously notifies both parties in writing of the determination. The notice of Complaint outcome also informs the parties that they may appeal the System Offices Title IX Coordinator's determination within 7 Days of the date of the notice and/or file a complaint with an appropriate state or federal agency or the courts.
- After the decision on any appeals, or the deadline for submitting any appeals passes, and after considering the corrective options identified by the Senior Associate Vice President and Chief Human Resources Officer or designee, the Respondent's supervisors or other officials may, if appropriate, take disciplinary action applicable to the Respondent's employee group.

#### **SANCTIONS**

The range of possible sanctions for employee Respondents determined to be responsible for Sexual Misconduct includes oral warnings, written warnings, or reassignment. Sanctions may also include initiation of processes to effectuate a demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, and/or termination.

#### **RECORDS**

The System Offices maintain records documenting any reports or Complaints alleging Sexual Misconduct and how such reports or Complaints were resolved. Records include, but are not limited to, any agreements reached under the informal resolution process, reports of investigation, and documentation of corrective action taken, follow-up/monitoring activities, and any mandated reporting. All records are confidential and are made available to persons outside of the process only as required or permitted by law.

**Appendix P**  
**Appeals Under Other Laws, Regulations and Policies**

Both the Complainant and the Respondent may appeal the System Offices Title IX Coordinator's responsibility determination. Parties may appeal only on the following grounds: 1) a procedural error occurred, and/or 2) new information exists that would substantially change the outcome of the finding. Appeals of the Complaint outcome are decided by an administrative review of the relevant documents as set forth below.

- Appeals of the System Offices Title IX Coordinator's responsibility determination must be submitted in writing to the Executive Vice President or her/his designee within 7 Days of receiving the notice of Complaint outcome. The party opposite the appealing party is given an opportunity to review the appeal, to the extent permitted by law, and to submit additional material to be considered together with the appeal. Any additional material must be submitted within 7 Days of being notified the other party has appealed. Any additional material submitted is made available to the appealing party subject to applicable privacy laws.
- The Executive Vice President may delegate or assign responsibility for reviewing the appeal to an appropriate official at the Vice President level with the requisite training and having no conflict of interest or prior involvement in the case.
- The Executive Vice President or their designee will thoroughly review the appeal, any material submitted by the other party, and the written record of the Complaint. The Executive President or their designee may also request any additional information, which will be shared with the parties in advance of the Executive Vice President or their designee's decision on the appeal, subject to applicable privacy laws.
- The Executive Vice President or their designee will issue a written decision within 14 Days following receipt of the appeal and any additional material submitted by the other party, unless they determine additional time is necessary.
- The Executive Vice President or their designee will simultaneously notify the parties in writing of 1) any extension of time to render a decision and the reason for the extension, and 2) within 7 Days after conclusion of the review, the decision on the appeal.
- Employees should follow the procedures applicable to the Respondent's employee group for appealing or grieving the imposition of any sanctions.