

## **COLUMBIA COLLEGE CHICAGO ANTI-DISCRIMINATION & HARASSMENT POLICY**

### **Section I. Statement of Policy**

Columbia is committed to maintaining an environment that respects the dignity of all individuals. Accordingly, Columbia will not tolerate harassment or discrimination based on religion, race, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnicity, or any other category protected by law by or of its students, faculty, or staff. This conduct may also be illegal under state, local, and federal law. To the extent practicable, Columbia will attempt to protect the Columbia community from harassment and/or discrimination by vendors, consultants, and other third parties who interact with the Columbia community. Columbia is promulgating this policy to reaffirm its opposition to harassment and discrimination and to emphasize that learning opportunities and employment opportunities must not be interfered with by such behavior.

No member of the Columbia community shall engage in discrimination or harassment in any program, activity, or place over which Columbia exercises control. It is expected that every member of our community will take responsibility for refraining from any form of discrimination or harassment, reporting any incident that is made known, cooperating in preventing such behavior, and assisting with corrective measures when, despite Columbia's serious commitment, these acts occur.

Recipients of discrimination or harassment often fear reprisals for reporting such conduct. To address this concern, Columbia will investigate any allegation of retaliation for reporting or assisting in the investigation of a complaint of any form of discrimination or harassment. Columbia will discipline those found to have engaged in retaliation.

The purpose of this policy is to:

- prevent harassment, discrimination, and sexual assault
- prohibit harassment, discrimination, and sexual assault
- encourage good faith complaints if such conduct has occurred
- provide multiple options for addressing and resolving complaints of harassment, discrimination, and sexual assault

Columbia will attempt to take prompt corrective action against any harassment or discrimination by or of its students, faculty, or staff. This policy is designed to encourage persons who believe that they have been harmed by discrimination or harassment to bring the conduct to the attention of appropriate individuals within Columbia so that the College can take prompt corrective action. All managers/supervisors are directed to implement the procedures outlined in this policy.

All complaints will be taken seriously, and no one reporting harassment or discrimination will

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suffer retaliation or reprisal by the College. Complaints of harassment and/or discrimination will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and to take corrective action. If it is determined through an appropriate and prompt investigation that harassment or discrimination has occurred, effective corrective action will be taken to stop the conduct and to attempt to ensure that it does not reoccur. Depending on the circumstances and the severity of the conduct, corrective action could range from an oral/written warning to dismissal or expulsion.

As used in this Policy, the “Complainant” means an individual who is alleged to be the victim of conduct that could constitute discrimination or harassment. The “Respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

***Coordination of Sexual Harassment Policies***

Pursuant to Title IX of the Education Amendments of 1972 and its implementing regulations, the College does not discriminate on the basis of sex in its education programs or activities (including, without limitation, in admissions and employment). The Title IX Sexual Harassment Policy & Procedures (“Title IX Policy”) is attached as Appendix A and incorporated into this Policy.

Sexual harassment that is connected to the College’s operations but is outside the scope of the Title IX Policy (such as inappropriate behavior occurring during a Study Abroad Program or in a private residence, or offensive acts that are unwelcome but are not so severe, pervasive, and objectively offensive that they constitute Sexual Harassment as defined by Title IX), will be governed by Section VIII of this Policy or the Student Sexual Misconduct Policy & Procedures (the “Student Sexual Misconduct Policy”), attached as Appendix B.

The Student Sexual Misconduct Policy, attached as Appendix B, addresses unwelcome sexual behavior perpetrated **by students** that is inconsistent with the College’s educational mission but outside the scope of the Title IX Policy. Specifically, the Student Sexual Misconduct Policy contains Grievance Procedures (defined and explained in Section XIV of Appendix B) that provide for prompt and equitable resolution of any allegation of “Sexual Misconduct” (a type of Sexual Harassment as defined in the Student Sexual Misconduct Policy) not covered by the Title IX Policy that is (A) made against a student by another student, College employee, or third party and (B) related to or made in the context of the College’s academic, educational, extracurricular, athletic or other programs and activities. The College designed these procedures to end the Sexual Misconduct, eliminate any resulting hostile environment, remedy any other effects, and prevent the Sexual Misconduct from reoccurring. The Student Sexual Misconduct Policy applies to all Columbia faculty, staff, students, as well as to third parties, regardless of sexual orientation or gender identity.

Section V(B)(iii) of this Anti-Discrimination & Harassment Policy addresses unwelcome sexual behavior perpetrated **by employees** that is inconsistent with the College’s educational mission

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but outside the scope of the Title IX Policy. Specifically, this Policy contains investigation procedures for allegations of sexual harassment, defined in Section V(B)(iii) below, not covered by the Title IX Policy that are (A) made against a College employee or third party by a student, College employee, or third party and (B) related to or made in the context of the College's academic, educational, extracurricular, athletic or other programs and activities.

The Title IX Coordinator is responsible for determining the applicability of the foregoing policies. Any inconsistencies among the policies will be resolved by giving precedence in the following order: 1) Title IX Sexual Harassment Policy and Procedures; 2) Student Sexual Misconduct Policy; and 3) this Anti-Discrimination and Harassment Policy.

### **Section II. Responsibilities of Community Membership**

It is the responsibility of each Columbia community member to be knowledgeable about discrimination and harassment, its negative impact, and the means by which it can be effectively addressed. Every member has a role in the implementation of this policy. All members of the Community who serve in a supervisory capacity, such as deans, managers, directors, chairs, and administrators are responsible for reporting all complaints of harassment or discrimination to the appropriate office as outlined below. A person who engages in discrimination or harassment must reform his or her behavior or be subject to disciplinary action up to and including termination or expulsion from Columbia. A person who witnesses or learns of any form of discrimination or harassment is expected to cooperate in Columbia's efforts to address this conduct.

### **Section III. Academic/Artistic Freedom**

Academic/artistic freedom protects the presentation and discussion of ideas and artistic works. It does not include demeaning or intimidating individuals because of a personal characteristic.

In considering what are appropriate statements or conduct, a faculty member should consider 1) whether the statements or conduct advance a valid educational objective related to the subject matter of the academic experience, and 2) whether they are made or occur in an academically appropriate manner as part of a valid educational objective. Similarly, while in the normal course of student-faculty exchange it may sometimes be of value to discuss or present a controversial matter or experience that has no direct relation to the immediate academic subject; nevertheless, the faculty member must also be cognizant that under Columbia's Academic Freedom Policy he or she may not have a right to discuss such a matter.

### **Section IV. Consensual Relations**

A faculty member is expected to adhere to his or her proper role as an intellectual or artistic guide and avoid any exploitation of his or her students. Additionally, a faculty member has the responsibility to ensure that his or her evaluation of students reflects the true merit of each student. Because it may easily involve or appear to involve a conflict of interest, an amorous

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or sexual relationship between a faculty member and a student entails serious ethical concerns when the faculty member has professional responsibility for the student, such as when the student is in the faculty member's class.

Therefore, faculty members or other instructional staff shall not initiate, pursue, or be involved in any amorous or sexual relationship with any student whom they are in a position to evaluate or supervise by virtue of their teaching, research, or administrative responsibilities. Such a relationship is a violation of this policy, and consent by a student to such a relationship will not be a defense against a later sexual harassment charge by the student.

Likewise, a supervisor shall not initiate, pursue, or be involved in any amorous or sexual relationship with any subordinate employee. A supervisor will be prohibited from assessing, determining, or influencing another person's employment, performance progress or potential, entitlement to or eligibility for institutionally conferred rights, benefits, or opportunities with an individual with whom the supervisor has or has had an intimate relationship. Such a relationship is a violation of this policy, and consent by the subordinate employee to such a relationship will not be a defense against a later sexual harassment charge by the subordinate employee.

**Section V. Definition of Discrimination**

Discrimination is unequal favorable or unfavorable treatment of an individual based on race, national origin, ethnicity, sex, age, disability, religion or sexual orientation and gender identity or expression. It can include the failure to recognize the contributions of work in class; the failure to provide appropriate academic support; or inequities in salary, benefits, accommodations, office space, hiring, promotion; or appointment to college-wide committees and to administrative roles on the basis of the above outlined protected characteristics.

**Section V(A). Definition of Discriminatory Harassment**

Discriminatory harassment is physical conduct or other expressive behavior that has the purpose or effect of interfering with an individual's work or academic performance or creates an intimidating, hostile, or abusive environment and that is based upon the individual's characteristics of race, national origin, ethnicity, sex, age, disability, religion, or sexual orientation and gender identity or expression.

Discriminatory harassment includes but is not limited to invectives; threats; slurs; epithets; pranks; teasing; taunting; and other conduct or expressive behavior that tends to belittle, degrade, demean, deride, disparage, ridicule, or threaten a person on the basis of the foregoing characteristics. It is in the nature of a personal attack that injures a specific individual, as distinguished from the civil expression or discussion of an offensive idea.

Not all situations in which an individual is offended or uncomfortable will be violations of this policy. Personality clashes, clashes of beliefs or lifestyles alone will not be violations of this

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policy nor will conduct that reflects socially and academically acceptable comradeship.

**Section V(B). Definitions of Sexual Harassment**

Sexual harassment is one form of discriminatory harassment. Sexual harassment is defined as follows:

**i. Title IX Sexual Harassment:**

Title IX Sexual Harassment means conduct on the basis of sex (including, without limitation, conduct based on gender identity – perceived or actual – or gender stereotypes) that satisfies one or more of the following:

- (a)** An College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (“quid pro quo harassment”);
- (b)** 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 College’s Education Program Or Activity; or
- (c)** “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v) and subject to this Policy’s definition of “Consent,” “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30).

For further details regarding the definition of Sexual Harassment pursuant to Title IX, please see Appendix A, Section X.

**For options for immediate emergency assistance following an incident of Sexual Assault, Dating Violence, or Domestic Violence, please see Appendix A, Section III.**

**ii. Sexual Harassment (Student Respondent):** For the definition of sexual harassment outside the scope of the of Title IX Policy, when the Respondent is a student, please see Section XIII, of the Student Sexual Misconduct Policy & Procedures attached as Appendix B.

**iii. Sexual Harassment (Employee Respondent):** For sexual harassment outside the scope of the Title IX Policy, when the Respondent is an employee, sexual harassment is defined as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or sexually oriented conduct when:

- (a)** Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or academic experience; or
- (b)** An employment or academic decision affecting an employee or student is made based on that individual's acceptance or rejection of such

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- conduct; or
- (c) A pattern of unwelcome verbal or physical conduct of a sexual nature is directed toward another that unreasonably interferes with that individual(s)' work or class performance or creates an intimidating, hostile, or abusive working or learning environment.

Examples of behavior that may constitute sexual harassment include, but are not limited to, the following: unwelcome verbal or physical advances of a sexual nature; requests or subtle pressure, overt or implied, for sexual favors; abusive or threatening behavior directed at a person; remarks, jokes, comments, or observations of a sexual nature that demean or offend individuals on the basis of their sex, provided, however, that such expressions will not be considered sexual harassment if uttered for a valid academic purpose; gestures or other nonverbal behavior of a sexual harassment if based upon a valid academic purpose; and display or distribution of offensive materials of a sexual nature, provided, however, that such expressions will not be considered sexual harassment if used for a valid academic purpose.

**Section VI. Sanctions**

A single violation of this policy may result in a disciplinary action, including termination or expulsion from Columbia. Sanctions may also include suspension (with or without pay in the case of faculty or staff), reprimand, reassignment, and/or mandatory education or counseling.

**Section VII. Retaliation; False Statements**

It is a violation of this policy to retaliate in any way against someone who has complained about discrimination or discriminatory harassment, participated in any manner in proceedings under this policy, or opposed the alleged discrimination or discriminatory harassment. Retaliation subjects the retaliator to disciplinary sanctions. Allegations of retaliation shall be investigated under section VIII of this Policy.

Knowingly making false allegations of discrimination or discriminatory harassment or providing evidence with the knowledge that it is false is also a violation of Columbia's policy and will subject a person to disciplinary action up to and including termination or expulsion.

**Section VIII: Procedures Addressing Discrimination and Harassment**

The following procedures are designed to provide flexibility in reporting for the person complaining of the discrimination or discriminatory harassment while balancing the interests of the accused party and Columbia's need to obtain the information necessary to resolve these issues in its community.

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**A. Reporting and Investigations of Sexual Harassment**

**i. Reporting Sexual Harassment**

Individuals, whether students, employees, or third parties, may report all types of sex discrimination (including sexual harassment) and related retaliation to the College by following the On-Campus Option for Reporting Sexual Harassment in Section XI of the Title IX Sexual Harassment Policy (Appendix A), regardless of which policy is applicable. The Title IX Coordinator is responsible for determining which policy applies to any complaint of sexual harassment.

**ii. Investigations of Sexual Harassment:**

**a. Allegations of Title IX Sexual Harassment.**

Allegations of Sexual Harassment as defined by Title IX are investigated pursuant to the Title IX Policy, Appendix A.

**b. Allegations of Sexual Harassment (Student Respondent).**

Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is a student are investigated pursuant to the Student Sexual Misconduct Policy in Appendix B.

**c. Allegations of Sexual Harassment (Employee Respondent).**

Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is an employee are investigated pursuant to Section VIII(B)(ii) of this Policy.

**B. Reporting and Investigating Other Discrimination & Harassment**

Any Columbia student, staff, faculty member, guest, or any other nonstudent or nonemployee who believes that he or she is being or has been subjected to discrimination or discriminatory harassment has informal and formal options, which are not exclusive of one another or mandatory. However, a person's selection of an option will affect Columbia's ability to respond to the discrimination or discriminatory harassment. In addition, the timeliness of reporting an incident is often critical to appropriate action and resolution.

Columbia is committed to a prompt and thorough investigation and resolution when its procedures are used. The parties shall have equal opportunity to submit evidence and suggest witnesses to be interviewed as part of the investigation. Those persons responsible for consulting about, investigating, and resolving complaints of discrimination or discriminatory harassment will make reasonable efforts to protect the privacy of both the Complainant and the Respondent. As required by Title IX, this Anti-Discrimination & Harassment provides for a prompt and equitable resolution to any complaints by employees or students alleging sex discrimination against a person in the United States.

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**i. Procedures for Student Complainants**

**(a) Informal Remedy**

Columbia encourages student subjected to discrimination or discriminatory harassment to talk directly with the alleged discriminator or harasser if the person subjected to discrimination or discriminatory harassment feels comfortable doing so. If direct communication is selected, the person should tell the alleged discriminator or harasser to stop his or her behavior as soon as the behavior occurs and make it clear that the behavior is unwelcome. The person then should share this information with the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor so the situation can be monitored.

**(b) Formal Remedy**

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, and chairs, are responsible for reporting all complaints of Sexual harassment involving a student complainant to the Title IX Coordinator and all other complaints of discrimination or discriminatory harassment involving a student complainant to the Office of Human Resources. A complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible, providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

Whether the complainant wishes to proceed with the investigation or not, a formal investigation of the complaint will be undertaken. The process is confidential to the extent possible and applies to the accused wrongdoer, the complainant, and witnesses. In the course of the investigation, however, absolute confidentiality cannot be guaranteed. Except as provided otherwise herein, if the alleged conduct appears to violate both this Anti-Discrimination and Harassment Policy and another Columbia policy, such as the student code of conduct, this policy will take precedence over the competing policy.

However, any sanction to be imposed against a tenured faculty member shall be subject to the procedures outlined in the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process.

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**ii. Procedures for Faculty and Staff Complainants**

**(a) Informal Remedy**

Columbia encourages any employee or third party subjected to discrimination or discriminatory harassment to talk directly with the alleged discriminator or harasser if the person subjected to discrimination or discriminatory harassment feels comfortable doing so. If direct communication is selected, the person should tell the alleged discriminator or harasser to stop his or her behavior as soon as the behavior occurs and make it clear that the behavior is unwelcome. The person then should share this information with the Office of Human Resources or with anyone who serves in a supervisory capacity, such as a dean, manager, director, chair, or administrator, so that the situation can be monitored.

**(b) Formal Remedy**

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, directors, chairs, and administrators, are responsible for reporting all complaints of discrimination or discriminatory harassment involving an employee complainant or a third-party complainant to the Office of Human Resources. A complaint of discrimination or discriminatory harassment can be made either orally or in writing. A complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

Whether the complainant wishes to proceed with the investigation or not, a formal investigation of the complaint will be undertaken. The process is confidential to the extent possible and applies to the accused wrongdoer, the complainant, and witnesses. In the course of the investigation, however, absolute confidentiality cannot be guaranteed. Except as provided otherwise herein, if the alleged conduct appears to violate both this Anti-discrimination and Harassment policy and another Columbia policy, such as the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process, this policy will take precedence over the competing policy. However, any sanction to be imposed against a tenured faculty member shall be subject to the procedures of the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process.

***The College reserves the right to modify or amend the Anti-Discrimination and Harassment Policy at any time.***

## Appendix A

### Title IX Sexual Harassment Policy & Procedures

**Section I. Purpose & Applicability.** Columbia College Chicago (the “College” or “Columbia”) is committed to maintaining an environment that respects the dignity of its students, faculty, and staff and is free from discrimination of any kind. As required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), the College does not discriminate on the basis of sex in its education programs or activities (including, without limitation, in admissions and employment). Sexual Harassment (which includes quid pro quo sexual harassment, sexual assault, and other prohibited acts based on sex, as defined in section X) is a form of sex discrimination. In compliance with Title IX, this Title IX Sexual Harassment Policy & Procedures (the “Policy”) requires a consistent institutional response to any allegation of Sexual Harassment regarding which the College has Actual Knowledge [as defined in section XIII(A)(1)] that is: (a) in a College Education Program Or Activity [as defined in section XIII(A)(2)], and (b) involves conduct that occurred in the United States of America. This Policy applies to all Columbia faculty, staff, students, as well as to third parties (the “Community”), regardless of sexual orientation or gender identity.

As used in this Policy, the “Complainant” means “an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.” The “Respondent” refers to “an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.” The Complainant or Respondent may but need not be a person enrolled or employed by the College or who has another affiliation or connection with the College. Any person (i.e., the Complainant, a bystander, a witness, a friend, or any other individual) may report Sexual Harassment, but only Complainants who are students, employees, or other individuals participating or attempting to participate in a College Education Program Or Activity may file a Formal Complaint [as detailed in Section XV(A)].<sup>1</sup>

The Policy contains Grievance Procedures that provide for the investigation and adjudication of the Sexual Harassment allegations described in the first paragraph where, in addition, an eligible Complainant has submitted a Formal Complaint requesting that the College conduct an investigation. The Complainant’s status is determined at the time of the filing of the Formal Complaint.

**Section II. Scope of Policy.** This Policy is part of the College’s Anti-Discrimination & Harassment Policy (the “Discrimination Policy”), which bars all forms of harassment and discrimination based on religion, race, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnicity, or any other category protect by law, by or of Columbia students faculty, or staff. Sections V-VIII of the Discrimination Policy addresses student and employee complaints alleging non-sexual harassment sex discrimination (e.g., complaints of sex-based different treatment in extracurricular activities, or with respect to enrollment in an academic course). Sections V-VIII and Appendix B of the Discrimination Policy cover sexual harassment that is connected to the College’s operations but is outside the scope of this Policy (such as inappropriate behavior occurring during a Study Abroad Program or in a private residence, or offensive acts that are unwelcome but are not so severe, pervasive, and objectively offensive that they constitute Sexual Harassment). Individuals may report all types of sex discrimination (including sexual harassment) to the College by notifying a “Responsible Employee” identified in Section XI(A)(1) below regardless of whether this Policy or a different section of the Discrimination Policy prohibits the behavior.

This Policy applies regardless of the identities of the Complainant and Respondent. Employees, however, may have additional procedural rights and/or responsibilities due to their status or union affiliation. The

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<sup>1</sup> The Complainant and Respondent are sometimes referred to in this Policy individually as a “Party” and collectively as the “Parties.”

Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process (the “Tenure Statement”) governs the employment of all full-time faculty members. The Columbia Faculty Union (“CFAC”) and the United Staff of Columbia College (“USofCC”) represent certain part-time faculty and staff, respectively.

Inquiries about the application of Title IX to the College may be referred to the College’s Title IX Coordinator (as identified in section IV), to the Assistant Secretary for Civil Rights in the U.S. Department of Education, or to both individuals.

**Section III. Options For Immediate Emergency Assistance Following An Incident Of Sexual Assault, Dating Violence, or Domestic Violence (as defined in Section X).** As explained in Section XI, individuals have multiple options for reporting Sexual Harassment to the College. Regardless of the manner in which an individual may elect to report – or not to report – to the College, individuals who have experienced Sexual Assault, Dating Violence, Domestic Violence, or any other unwanted physical sexual acts (“Sexual Violence”), and need emergency assistance, shall first and foremost:

**A.)** Get to a place of safety. Dial 911 for local Police or 312.369.1111 for Campus Safety & Security immediately if at continued risk, and;

**B.)** Seek any necessary medical attention as soon as possible.

- Downtown Chicago Hospitals include:
  - Northwestern Memorial Hospital (Emergency Department), 250 E. Erie St, Chicago, IL 60611 (312.926.5188) (about 2.1 miles from Columbia’s 600 S. Michigan building)
  - Rush University Medical Center (Department of Emergency Medicine), 1653 W. Congress Parkway, Chicago, IL 60612 (312.942.5000) (about 3 miles from Columbia’s 600 S. Michigan Building)

**Going to an Illinois hospital for medical care after an incident of Sexual Violence does not obligate an individual to file a report with the College or the police.**

**C.)** To maximize evidence collection:

- Do not shower or change clothes. Try not to urinate if possible.
- If oral contact took place, do not smoke, eat, drink, or brush teeth.
- If leaving from home, take extra clothes/shoes.

If an individual is uncertain regarding how to respond, that person should consider calling one of the resources listed in section XI of this Policy.

## What to Expect at the Hospital<sup>2</sup>

Seeking medical care is important, regardless of whether an individual chooses to report to the police or to the College. Hospitals and other medical centers may provide a physical exam, treatment, and collection of any relevant evidence. The below section includes a summary of and general notes regarding the intake procedure at many Chicagoland hospitals. Please note that the precise procedures at each medical center may vary.

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<sup>2</sup> Adopted from “After Sexual Assault,” a resource page created by the Illinois Coalition Against Sexual Assault and Loyola University Chicago. The information provided within the “What to Expect at the Hospital” section is for general education purposes only; it is not, and shall not be construed as, legal or medical advice. The College encourages individuals to seek assistance from qualified attorneys and medical professionals as appropriate.

### *The Emergency Room Exam*

- A local hospital emergency room can provide immediate medical attention. The emergency room responds to both the physical trauma of the Sexual Violence and the process of collecting evidence in case an individual wishes to report to law enforcement. Rape victim advocacy services are also available at many Chicago hospitals to provide support and referrals.
- Hospitals in Illinois are required to notify the local police department that treatment has been given to an individual alleging sexual assault. However, an individual is not required to file a police report.
- An individual may sign consent forms to allow the medical personnel to examine, treat, and administer medication, and to release information to the police. An advocate can be present throughout the exam.
- After an incident of Sexual Violence, the primary medical concerns are physical injuries, sexually transmitted infections, and pregnancy. At the time of the examination, evidence can also be collected that can be used to prosecute the person(s) who it is alleged participated in Sexual Violence. If an individual wishes to have evidence collected, the individual should not bathe, douche or change clothes before the exam. This may destroy evidence. However, typically, evidence may still be collected up to a week after an incident of Sexual Violence. An individual may wish to bring a change of clothes when going to the emergency room, since clothing may be kept as evidence. A sweatsuit or scrubs may also be provided.

### *Evidence Collection*

- If an individual chooses, the hospital will conduct thorough and complete evidence collection using the Illinois State Police Evidence Collection Kit (the "rape kit"). The entire evidence collection process will be done only with the individual's consent. The individual may decline any portion of the exam. There is no fee for having a rape kit done and the individual does not need to use personal insurance. The Violence Against Women Act ("VAWA") conditions a state's receipt of certain federal funding on the provision of medical forensic examinations at no cost for individuals alleging sexual assault. The rape kit does not contain any medication.
- Evidence may be collected even if the individual does not plan to report the incident to the police. If the individual decides at a later date that it is best to file a police report, this evidence will be available. Any evidence found during the exam may strengthen any resulting criminal court case should the individual decide to file a police report.
- Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; collecting material from beneath fingernails; and collection of any other physical evidence (e.g., saliva from bite marks). These samples will be used to detect the DNA and any other debris from other persons involved or the scene of the incident.
- The clothes the individual is wearing also may be sent to a crime lab and may be kept as evidence until the case is closed. Photographs may be taken of bruises, cuts and other injuries that occurred. The photographs may be kept as evidence until the case is closed.

### *The Cost of Treatment Outside the Student Health Center or the CareATC Clinic*

- The Sexual Assault Survivors Emergency Treatment Act ("SASETA") may cover emergency room costs, including any medications received. In such case, the hospital should not bill for any treatment. If an advocate is present, the advocate may be able to answer any questions related to SASETA and help to ensure that an individual is not charged for treatment.
- Under the Illinois Crime Victims Compensation Act ("CVCA"), victims of violent crimes who qualify can

be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.

### *Sexual Transmitted Infections*

- Sexually transmitted infections (“STIs”) such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during an act of Sexual Violence. An individual may not learn of an STI until several weeks or months after it has been transmitted.
- If an individual is concerned about having an STI, that person should discuss this concern with the treating doctor or nurse. Certain medical professionals can give preventive medicine (e.g., antibiotics, and HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given. An individual should make sure to obtain the name, dosage, purpose, and possible side effects of the drug. The individual should get the actual medicine, not just a prescription.
- Even if an individual receives preventive treatment, it is important to be tested for STIs two (2) weeks after Sexual Violence, and again in six (6) weeks. The individual should repeat HIV testing in three (3) to six (6) months. The College Student Health Center (for students) and the CareATC Clinic (for eligible employees) can test for most STIs and provide referrals for free and low-cost STI and HIV testing.

### *Pregnancy Testing*

- For individuals able to give birth, there is a chance that pregnancy could result from Sexual Violence. A test for pregnancy is recommended for all such individuals of childbearing age who are involved in Sexual Violence involving penetration.
  - An individual may request a pregnancy test at the time of the exam. However, a test immediately after Sexual Violence will not show if a person is pregnant from the incident. Follow-up testing is the most reliable way to determine whether an individual is pregnant.
  - Having a late period does not necessarily mean someone is pregnant. Stress, tension and worry can cause a late period; this happens to many individuals who endure Sexual Violence. Pregnancy testing is available at the Student Health Center (for students) and the CareATC Clinic (for eligible employees).

**Section IV. The College’s Title IX Coordinator.** Columbia’s Title IX Coordinator (the “Coordinator”) is Janelly Torres. The Coordinator coordinates the College’s efforts to comply with: (a) this Policy, and (b) the Discrimination Policy, to the extent required to provide a prompt and equitable response to address Sex Discrimination (including non-sexual harassment sex discrimination, sexual harassment not covered by this Policy, and retaliation as prohibited in section V). The Coordinator is tasked with identifying and addressing any patterns or systematic problems revealed by Sexual Harassment reports. The Coordinator is responsible for ensuring, through regular review, that the College’s general response to Sexual Harassment (as required in section XIII) and the Sexual Harassment grievance procedures established in Section XV (the “Grievance Procedures”) remain effective. The Coordinator also leads related training, and prevention and education efforts. The Coordinator is available to meet with students, faculty, and staff as needed to discuss particular issues and/or concerns.

Individuals may contact Ms. Torres through in-person appointment, phone, mail, or email, as provided below:

Janelly Torres  
Director of Equity Issues & Title IX Coordinator  
623 S. Wabash, Room 315  
Chicago, IL 60605

Phone: 312. 369.6344  
jrivera@colum.edu

The College's Title IX Investigator is Verron Fisher. Unless a conflict exists [as addressed in section XV(B)(3)], Ms. Fisher serves as the Investigator for all Formal Complaints of Sexual Harassment. Ms. Fisher's contact information is as follows:

Verron Fisher  
Title IX Investigator  
623 S Wabash Suite 315  
Chicago, IL 60605  
Phone: 312.369.6343  
vfisher@colum.edu

The College's Policy Advisor for Employee Matters is Maxine Garcia. The Coordinator shall consult with the Policy Advisor for Employee Matters on all Sexual Harassment reports involving Columbia employees to ensure compliance with any other College policies or federal, state, or local laws governing employees. Ms. Garcia's contact information is as follows:

Maxine Garcia  
Policy Advisor for Employee Matters  
Director, Employee Relations  
624 S. Michigan Avenue (room 600)  
Chicago, Il, 60605  
Phone: 312.369.7811  
maxgarcia@colum.edu

**Section V. Retaliation Prohibited.** Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX 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 ("Hearing"). Intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation. The College shall keep confidential the identities of the Complainant, Respondent, and other individuals connected to a report of sex discrimination as required by section XIII(C). Complaints alleging retaliation may be reported to a Responsible Employee according to the prompt and equitable grievance procedures for sex discrimination established in section VII and VIII of the Discrimination Policy. The College retains discretion to consolidate a retaliation complaint with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes where the two complaints arise out of the same facts or circumstances.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of the Grievance Procedures (as provided in more detail in section VI below) does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**Section VI. False Reports.** Knowingly making false allegations of Sexual Harassment or providing evidence with the knowledge that it is false is a violation of the Discrimination Policy and may subject a person to disciplinary action up to and including termination or expulsion.

**Section VII. Amnesty For Students Under College Policy Restricting the Use of Drugs or Alcohol.** To encourage reporting, the College shall consider any use of alcohol or drugs by any student Complainant, student Respondent, or student witnesses at or near the time of the alleged Sexual Harassment to determine consent or memory only under this Policy and this behavior will not serve as the foundation for discipline or independent proceedings under another College policy. However, the College may, at its discretion, require individuals who engaged in such behavior to participate in education programs or recommend a meeting with a College counselor or other support persons.

**Section VIII. Individuals with Disabilities; Requests for Alternative Submission of Documents and other Accommodations.** Columbia shall endeavor to provide the appropriate accommodations to ensure that individuals with disabilities may participate fully in the steps outlined in this Policy. Individuals with disabilities who need assistance in reporting Sexual Harassment, participating in the Grievance Procedures, or otherwise with respect to this Policy may contact the below offices:

Services for Students with Disabilities (For Students)..... 312.369.8296

Office of Human Resources (For Employees) .....312.369.7468

As addressed in more detail below, the evidence subject to inspection and review in section XV(C)(5) and the Investigative Report addressed in section XV(C)(6) shall be sent through electronic submission. Parties requiring the evidence in a different format due to a disability-related reason may inform the offices designated above, as well as the Investigator, or the Coordinator.

**Section IX. International Students & Undocumented Students.** This Policy protects all Columbia students regardless of national origin, immigration status, or citizenship status. Individuals for whom English is not their first language may contact Clare R. Lake for translation assistance. Mr. Lake is also available to advise concerning non-immigrant status and possible visa issues relating to Sexual Harassment (e.g., the requirement to maintain a full-time course load).

Clare R. Lake  
Director, International Student and Scholar Services  
Multicultural Affairs  
618 S. Michigan Ave., 4<sup>th</sup> Floor  
312-369-7246

**Section X. What Constitutes Sexual Harassment**

**A. Sexual Harassment.** “Sexual Harassment” means conduct on the basis of sex (including, without limitation, conduct based on gender identity – perceived or actual – or gender stereotypes) that satisfies one or more of the following:

- (1) A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome<sup>3</sup> sexual conduct (“quid pro quo harassment”)<sup>4</sup>;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive<sup>5</sup> that it effectively denies a person equal access to the College’s Education

<sup>3</sup> The Complainant’s subjective statement that the Complainant found the conduct to be unwelcome suffices to meet the “unwelcome” element in section X(A)(1) and section X(A)(2).

<sup>4</sup> This definition applies whether the “bargain” proposed by the employee is communicated expressly or implied from the circumstances.

<sup>5</sup> As to the elements of severity, pervasiveness, objective offensiveness, and denial of equal access, determinations are made with reference to a reasonable person in the shoes of the Complainant (in light of the known circumstances and the facts of each situation).

Program Or Activity; or

- (3) “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v) and subject to this Policy’s definition of “Consent,” “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30).<sup>6</sup>

**B. Sexual Assault.** “Sexual Assault” means any sexual act directed against another person, without Consent of the victim, including instances where the victim is incapable of giving Consent. Sexual Assault includes “Rape,” “Fondling,” “Incest,” and “Statutory Rape.”<sup>7</sup>

- (1) **Rape.** “Rape” is 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 the rape of both males and females.
- (2) **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, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- (3) **Incest.** “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law [in the applicable jurisdiction].
- (4) **Statutory Rape.** “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent [in the applicable jurisdiction].
- (5) **Consent.**<sup>8</sup> “Consent” is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity.<sup>9</sup> Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. An individual’s decision to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual’s manner of dress does not constitute Consent. Consent to engage in sexual activity may be withdrawn by an individual at any time. Being intoxicated or otherwise impaired due to drugs and/or alcohol does not diminish one’s responsibility to obtain Consent.

*Incapacity:* In some situations, the College may determine an individual to be incapable of giving

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Effective denial of equal access to education does not require that a person’s total or entire educational access has been denied. Signs of enduring unequal educational access due to severe, pervasive, and objectively offensive Sexual Harassment may include skipping class to avoid a harasser, a decline in a student’s grade point average, or having difficulty concentrating in class; however, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the Complainant’s position of the ability to access a College Education Program or Activity on an equal basis with persons who are not suffering such harassment. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal educational opportunity is Sexual Harassment regardless of the Respondent’s intent (or not) to cause harm.

<sup>6</sup> Section X(A)(3) prohibits Sexual Assault (subject to the Policy’s definition of “Consent”), Dating Violence, Domestic Violence, and Stalking as such behavior is defined according to the above-referenced statutory provisions. The definitions provided in section X(B) through section X(E) (other than for “Consent”) are for convenience only and are subject to changes to the applicable laws.

<sup>7</sup> The College’s definition of “Sexual Assault” is mandated by Title IX; regulations require the College to adopt a definition of “Sexual Assault” that incorporates various forcible and nonforcible sex offenses as defined by the uniform crime reporting system of the Federal Bureau of Investigation. See 34 C.F.R. § 106.30(a).

<sup>8</sup> Definition adopted with modification from Emory University’s “Policy 8.2: Sexual Misconduct, Updated May 27, 2014.”

<sup>9</sup> The Policy’s definition of Consent is consistent with that in the Illinois Criminal Code for Major Sexual Offenses. Under 720 ILCS 5/11-1.70, “Consent” means, “a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.”

Consent to sexual activity due to the circumstances, the individual's age or the behavior of another. Such situations may include, but are not limited to: incompetence, impairment from alcohol and/or drugs, fear, unconsciousness, intimidation, Coercion (as defined below), confinement, isolation, or mental or physical impairment. Despite anything to the contrary, where a person is incapable of giving Consent, conduct of a sexual nature is a violation of this Policy (or another section of the Discrimination Policy), provided that the Respondent knew or reasonably should have known of the person's incapacity.<sup>10</sup>

*Coercion*: "Coercion" is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or submit to an act which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get Consent from another. A person's words or conduct cannot amount to Coercion for purposes of this Policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

**C. 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.
  - c. The frequency of interaction between the persons involved in the relationship.

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

**E. 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.

**F. Examples of Unwelcome Conduct Potentially Prohibited By Section X(A)(2).** Depending on the circumstances, unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College Education Program Or Activity may, but not necessarily, include (without limitation):

- (1) Unwelcome sexual advances;

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<sup>10</sup> An exception exists where an individual did not know of another's impairment and could not have been expected to have known about such impairment, but the behavior nonetheless violates Illinois Criminal Law (i.e. strict liability crimes). Such violations when of a sexual nature constitute a violation of this Policy or another section of the Discrimination Policy, as appropriate.

- (2) Requests for sexual favors (overt or implied);
- (3) Abusive or threatening behavior of a sexual nature directed at a person;
- (4) Remarks, jokes, comments, or observations of a sexual nature that demean or offend individuals;
- (5) Gestures or other nonverbal behavior of a sexual nature that demean or offend individuals; and
- (6) Display or distribution of offensive materials of a sexual nature.

## Section XI. On-Campus Options For Reporting Sexual Harassment

**A. Overview.** The College encourages Complainants to report Sexual Harassment to individuals who can provide the desired level of support and assistance. Different Columbia employees have different rights and obligations regarding information sharing. An individual may elect to disclose Sexual Harassment to an employee in one or more of the below groups. Please note that, of the below on-campus resources, only the Office of Safety & Security can provide around-the-clock assistance.

**1.Responsible Employees:** *A Responsible Employee is a College employee who has the duty to report incidents of Sexual Harassment to the Coordinator. Responsible Employees are required to report all the details of alleged Sexual Harassment (including the identities of the Complainant, Respondent, and any witnesses, if known, and pertinent facts such as date, time, and location) to the Coordinator.*

Responsible Employees include:<sup>11</sup>

- The Coordinator<sup>12</sup>;
- The Investigator;
- Employees with “Dean”, “Associate Dean,” “Assistant Dean,” “Chair,” “Associate Chair,” “Director,” “Coordinator,” “Provost,” “Associate Provost,” “Assistant Provost,” “Chief of Staff,” “Vice President,” “Assistant Vice President,” “Associate Vice President,” or “President” in their titles<sup>13</sup>;
- All part-time and full-time faculty members;
- Resident Advisors (“RAs”);
- All employees in the Office of Human Resources and the Office of the Vice President of Student Affairs (including the Dean of Students’ Office and the Residence Life staff), excluding those employees who are Confidential Resources.
- All employees in the Office of Safety & Security (including its independent contractor security personnel). The Associate Vice President for the Office of Safety & Security is Ronald Sodini (rsodini@colum.edu). For emergencies, individuals should call the 24-hour emergency command center at (312) 369-1111. The non-emergency command center phone number is (312) 369-3220.

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<sup>11</sup> Employees in the Multicultural Affairs Office are not Responsible Employees under this Policy when assisting international students, undocumented students, or students for whom English is not their first language, with language interpretation, travel-related, or visa issues. Similarly, employees in the Office of Human Resources or the Services for Students with Disabilities Office (“SSD”) (including the Dean of Students to whom SSD staff report) are not Responsible Employees when providing guidance or other support concerning disability issues. Sections IX and VIII detail the services these offices provide.

<sup>12</sup> Any person may report Sexual Harassment or any another type of sex discrimination prohibited by the Discrimination Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute such behavior), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the 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 electronic mail address, or by mail to the office address, listed for the Coordinator.

<sup>13</sup> As addressed in Section XIII(A)(1), the officials listed in this bullet point and the Coordinator have authority to institute corrective measures on behalf of the College. Notice to these individuals conveys “Acknowledge Knowledge” to the College.

Except as provided otherwise in this Policy or legally required, the College shall not share information reported to a Responsible Employee with individuals other than College officials with relevant responsibilities under this Policy. For example, when permissible under the law, a Responsible Employee shall not share information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to such body.

To the extent feasible, before a Complainant reveals any information to a Responsible Employee, the Responsible Employee shall endeavor to ensure that the Complainant understands the Responsible Employee's reporting obligations, and that – after receiving a report from the Responsible Employee – the Coordinator will contact the Complainant to offer Supportive Measures and to take other steps as required by Section XIII. A Responsible Employee shall neither encourage the Complainant to continue disclosing an alleged incident, if the Complainant is not ready to do so, nor pressure the Complainant to request assistance from a different resource. If the Complainant communicates before disclosing the details of an incident that the Complainant does not want the Responsible Employee to notify the Coordinator, the Responsible Employee shall then direct the Complainant to a Confidential Resource.

***2. Confidential Resources:** Complainants who desire strictly confidential support and assistance, to the extent permitted by law, may contact a Confidential Resource. Under some circumstances, these employees are required to maintain near complete confidentiality. Confidential Resources are not required to disclose alleged incidents to the Coordinator.*

Under certain circumstances, the law and applicable professional codes require the below-listed individuals and resources to keep the details of Sexual Harassment in a confidential manner and to refrain from disclosing such information to any third parties without the Complainant's consent. Complainants should be aware, however, that local, state, and/or federal law may require these employees to disclose an incident where there is an imminent risk of self-harm or the Complainant poses a danger to another party.

Confidential Resources can assist the Complainant in receiving additional support (on or off-campus), such as advocacy services, academic assistance, disability, physical health or mental health services, and changes to living, working, or courses schedules. A Complainant who first speaks with a Confidential Resource may later decide to disclose to a Responsible Employee, file a Formal Complaint, or to report the incident to local law enforcement. If requested, a Confidential Resource shall provide the Complainant with assistance in speaking with the Coordinator or another Responsible Employee.

The following are Confidential Resources on-campus:

For Students

Columbia College Chicago Student Health Center (Licensed Physicians & Nurses)  
916 S. Wabash, 5<sup>th</sup> Floor  
312.369.6830  
<http://students.colum.edu/health-center/>  
By appointment or walk-in

Counseling Services (Professional Counselors)  
916 S. Wabash, 5<sup>th</sup> Floor  
312.369.8700  
<http://students.colum.edu/health-center/counseling-services/>  
By appointment or walk-in

Office of Student Relations (Professional Counselors)

623 S. Wabash, Room 301  
312.369.8595  
By appointment or walk-in

*Confidential Advisors*

Orterio Villa  
Director of Student Organizations & Leadership  
754 S. Wabash, Room 231  
312.369.6792  
ovilla@colum.edu

Charee Mosby-Holloway  
Director of Student Diversity & Inclusion  
618 S. Michigan, 4<sup>th</sup> Floor  
312.369.7994  
cmosbyholloway@colum.edu

As required by Illinois' Preventing Sexual Violence in Higher Education Act, the College's Confidential Advisors have completed at least forty (40) hours of training on sexual violence. Each Confidential Advisor shall attend a minimum of six (6) hours of ongoing education training annually on issues related to sexual violence. Each Confidential Advisor shall also receive periodic training on the College's administrative processes, Supportive Measures and accommodations, and complaint resolution procedures. Confidential Advisors may provide confidential services to and have privileged, confidential communications with Complainants in accordance with Section 8-804 of Illinois' Code of Civil Procedure.

For Eligible Employees

Columbia Care ATC Clinic (Licensed Physicians & Nurses)  
600 S. Michigan, Suite 402  
800.993.8244  
By appointment or walk-in

For All Employees

Employee Assistance Program  
Morneau-Shepell, WorkHealthLife  
800.272.2727  
<https://www.workhealthlife.com>

**B. Anonymous Reporting.** Individuals may make anonymous reports of Sexual Harassment to the Coordinator by completing and submitting the online form available at [www.colum.ethicspoint.com](http://www.colum.ethicspoint.com) or by calling (844) 406-8158. However, depending on the extent of information available about the incident, the College's ability to respond to such reports may be limited.

**C. When To Report.** Individuals may report Sexual Harassment to the College at any time. However, the College encourages Complainants (who elect to report) to disclose Sexual Harassment to the College as expediently as possible. The College's options to address a report may be limited when it receives Actual Notice of an alleged incident a significant period of time after the occurrence of the alleged Sexual Harassment. To illustrate, as further explained in section XV(A), a Complainant may not file a Formal Complaint unless the Complainant is presently participating in or attempting to participate in a College Education Program Or Activity.

**D. The Role of Witnesses & Other Third Parties.** Witnesses to Sexual Harassment, including bystanders and other third parties intending to report Sexual Harassment to the College, shall promptly report the details of the offending behavior to a Responsible Employee so that the College may address the circumstances as required in Section XIII. The College understands that witnesses to Sexual Harassment may need support resources as well. Accordingly, witnesses may seek confidential support from a Confidential Resource regarding how to address any effects from observing or otherwise becoming aware of Sexual Harassment. As explained previously, any retaliation against an individual who has reported Sexual Harassment is a violation of the Discrimination Policy.

**E. What To Expect When Reporting.** The College realizes that it may be difficult for a Complainant or witness to disclose alleged Sexual Harassment. Accordingly, to the extent practicable, the College's Responsible Employees and Confidential Resources shall endeavor to provide a supportive environment where Complainants and witnesses are comfortable reporting an incident.

**F. Encouragement of Dual Reporting With Local Law Enforcement.** The College encourages, but does not require, witnesses and Complainants who report to the College to also notify local law enforcement. Under some circumstances, Sexual Harassment may violate both college policy and criminal law. The College may proceed with an internal investigation under this Policy simultaneously with a criminal investigation. While criminal investigations may facilitate fact-finding, the outcome of a criminal proceeding may not be indicative of whether alleged Sexual Harassment violates Title IX and this Policy. The Coordinator and Confidential Resources, including Confidential Advisors, are available to assist individuals with reporting to local law enforcement. The Chicago Police Department's 1<sup>st</sup> District central station is located at 1718 South State Street, Chicago, IL 60616. The 1<sup>st</sup> District is available by email at CAPS001District@chicagopolice.org and by phone at (312) 745-4290.

**Section XII. On-Campus Resources For Respondents.** Respondents may also seek confidential support and assistance from the Confidential Resources listed in section XI(A)(2) above. The Title IX Coordinator or a Respondent's Advisor [as defined in section XV(B)(7)] shall help the Respondent in obtaining other appropriate support and assistance on or off-campus as requested.

### **Section XIII. The College's General Response to Sexual Harassment:**

**A. Overall Obligations & Geographic Jurisdiction.** The College shall respond promptly as required in this section XIII to any allegation of Sexual Harassment, regarding which the College has Actual Knowledge, that is: (i) in a College Education Program Or Activity, and (ii) made against a person in the United States.

**1. Actual Knowledge.** "Actual Knowledge" means Notice (as hereinafter defined) of Sexual Harassment or allegations of Sexual Harassment to the Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Such individuals may receive Actual Knowledge through an oral report of Sexual Harassment by a Complainant or anyone else, a written report, through personal observation, through a newspaper article, through an anonymous report, or through various other means. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" as used in this paragraph includes, but is not limited to, a report of Sexual Harassment to the Coordinator in person, by mail, by telephone, or by electronic mail using the contact information listed for the Coordinator in section IV, or by any other means that results in the Coordinator receiving the person's verbal or written report.

In addition to the Coordinator, the following College employees have authority to institute corrective measures on behalf of the College:

- Employees with “Dean,” “Associate Dean,” “Assistant Dean,” “Chair,” “Associate Chair,” “Director,” “Coordinator,” “Provost,” “Associate Provost,” “Assistant Provost,” “Chief of Staff,” “Vice President,” “Assistant Vice President,” “Associate Vice President,” or “President” in their titles.

Notwithstanding anything to the contrary, public awareness events such as, “Take Back The Night,” the “Clothesline Project,” candlelight vigils, protests, or speak-out events are not considered Notice of Sexual Harassment to the College. Such events may, however, inform the need for campus-wide education and prevention efforts, and the College may provide information about students’ Title IX rights at these events.

**2. College Education Program Or Activity.** The phrase “College Education Program Or Activity” includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College. College Education Program Or Activity encompasses all the operations of the College, including – without limitation – the College’s computer and Internet networks, digital platforms, and computer hardware and software. Sexual Harassment occurring “off-campus” is not automatically outside of a College Education Program Or Activity. When evaluating whether alleged Sexual Harassment occurred in a College Education Program Or Activity, the College shall consider relevant factors, such as whether the College funded, promoted, or sponsored the event or circumstances where the alleged Sexual Harassment occurred.

**B. Offer of Supportive Measures & Right To File a Formal Complaint.** As soon as practicable but no later than three (3) days<sup>14</sup> after the College obtains Actual Knowledge of Sexual Harassment or allegations of Sexual Harassment, the Coordinator shall contact the Complainant to: (1) discuss the availability of Supportive Measures (as defined in this section), (2) consider the Complainant’s wishes with respect to such measures, (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain to the Complainant the process for filing a Formal Complaint.<sup>15</sup> The Coordinator shall offer Supportive Measures to the Complainant after engaging in an interactive, meaningful dialogue with the Complainant. The Coordinator shall also offer Supportive Measures to the Respondent through an interactive, meaningful dialogue prior to the Respondent’s receipt of notice of a Formal Complaint, if the Respondent requests such measures.

“Supportive Measures” means 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 College Education Program Or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or to deter Sexual Harassment.

Supportive Measures may include, but are not limited to:

- On-campus counseling;

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<sup>14</sup> All references to a “day” or “days” in this Policy are to calendar days.

<sup>15</sup> Student Complainants also have additional notification rights pursuant to Illinois’ Preventing Sexual Violence in Higher Education Act; upon being notified of an alleged violation of this Policy by a Student Complainant (or a party representing a Student Complainant), the Coordinator shall provide such student Complainant (if known) with a concise synopsis written in plain language of the student Complainant’s rights and options under this Policy. The Coordinator shall provide this notice within twelve (12) hours after receiving an electronic report of Sexual Harassment.

- Course-related adjustments (such as extensions of deadlines, changes in course schedules, tutoring, or alternative course completion options) with the consultation of appropriate faculty members;
- Extracurricular accommodations;
- Modifications of work or class schedules;
- Assisting with the party's transportation to and from classes or work (to the extent practicable on Columbia's campus);
- Mutual, temporary restrictions on contact between the parties (such as a no-contact order) and honoring an order of protection or no-contact order entered by a state, civil, or criminal court;
- Temporary changes in work, dining, or housing arrangements (if a party is a student and lives in Residence Life); and
- Leaves of absence (consistent with applicable law and College policies and agreements).

A carefully crafted no-contact order restricting the actions of only one party could qualify as a Supportive Measure under certain circumstances. For example, if the College issues a one-way no-contact order to help enforce a restraining order, preliminary injunction, or other order of protection issued by a court, or if a one-way no-contact order does not unreasonably burden the other party, then a one-way no-contact order may be appropriate.

The College must 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 College to provide the Supportive Measures (e.g., where a Complainant requires a mutual no-contact order). The Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Coordinator shall periodically assess the efficacy of administered Supportive Measures and provide modifications as needed. The Coordinator may, in the Coordinator's discretion, maintain or terminate implemented Supportive Measures after a determination in the Grievance Procedures that the Respondent is not responsible for the alleged Sexual Harassment or after the dismissal of a Formal Complaint filed by the Complainant or signed by the Coordinator.

In addition to party-specific Supportive Measures, the College may consider broad remedial action to protect the community, including but not limited to: increased security and monitoring of certain areas of the campus, increasing education and prevention efforts, conducting climate assessments, and revising its policies and practices.

**C. Confidentiality.** The College shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, and all other information related to a report of sex discrimination, except as may be permitted by the FERPA statute (20 U.S.C. 1232g) or FERPA regulations, (34 CFR part 99), or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, Hearing, or judicial proceeding arising thereunder. In the event the College discloses such information relating to a report of sexual discrimination to individuals other than the parties involved or those employees with responsibilities under the Policy, the College shall provide the affected party or parties with notice and the reason for such disclosure.

#### **Section XIV. Emergency Removal and Administrative Leave.**

**A. Emergency Removal.** Notwithstanding anything to the contrary contained in this Policy, the College may remove a Respondent from a College Education Program Or Activity on an emergency basis, provided that it: (a) undertakes an individualized safety and risk analysis, (b) determines that an immediate threat to the physical health or safety of any student or other individual (e.g., a witness) arising from the allegations of

Sexual Harassment justifies removal, and (c) provides the Respondent with notice (identifying the immediate threat justifying removal) and an opportunity to challenge the decision immediately following the removal as described below. The Coordinator shall forward any cases that the Coordinator has determined potentially involve such threat to the College's Behavioral Threat Assessment Team ("BTAT") for review and a determination. When making an immediate threat determination, the BTAT shall consider the appropriateness of Supportive Measures in lieu of an Emergency Removal and the anticipated timing needed to conclude the Grievance Procedures. The BTAT may consider a threat of physical self-harm and the Respondent's post-incident actions or behavior related to the alleged Sexual Harassment, among other factors, when engaging in such a determination.

The Respondent shall have up to seven (7) days after receipt of notice of an Emergency Removal to challenge the BTAT's decision by submitting a written protest to the Associate Vice President of Campus Safety & Security. Such protest shall identify in sufficient detail why the Respondent does not pose the immediate threat (or threats, as appropriate) identified by the BTAT to the physical health or safety of any student or another individual. The Associate Vice President of Campus & Safety shall have seven (7) days from receipt of a written protest to consider the protest and issue a final determination.

**B. Administrative Leave.** Notwithstanding anything to the contrary contained in this Policy, the Coordinator may place a non-student employee Respondent on administrative leave during the pendency of the applicable Grievance Procedures (i.e., after the filing of a Formal Complaint).<sup>16</sup>The Coordinator shall determine within the Coordinator's discretion whether such administrative leave is with or without pay or continuation of benefits.

**C. Statutory Rights.** This section shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

**D. No Impact on Presumption of Responsibility.** Any emergency removal or administrative leave imposed pursuant to this section shall have no bearing on the presumption of non-responsibility established in section XV(B)(8) for the Grievance Procedures.

## **Section XV. Sexual Harassment Grievance Procedures**

**A. Filing a Formal Complaint.** The Complainant may initiate these Grievance Procedures by filing a Formal Complaint. A "Formal Complaint" means a document filed by a Complainant or signed by the Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. Where possible, the Formal Complaint should include the following: the name of the Respondent (if known); a chronology of the relevant events, detailing dates, places, and times; a description of the alleged Sexual Harassment; and the names of any witnesses to the alleged Sexual Harassment or persons with knowledge of the Sexual Harassment; however, such information is not required. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College Education Program Or Activity with which the Formal Complaint is filed.<sup>17</sup> A Formal

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<sup>16</sup> This section XIV(B) does not apply to student employees. Placing a student-employee Respondent on administrative leave could be appropriate under some circumstances. For example, the placement of a student employee on an administrative leave with pay in a non-emergency situation may be appropriate as a Supportive Measure for a Complainant, provided such leave is not punitive, disciplinary, or unreasonably burdensome to the Respondent.

<sup>17</sup> A Complainant who has graduated may still be "attempting to participate" in a College Education Program Or Activity; for example, where the Complainant has graduated from one program but intends to apply to a different program, or where the graduated Complainant intends to remain involved with Columbia's alumni programs and activities. Similarly, a Complainant who is on a leave of absence may be "participating or attempting to participate" in College Education Program Or Activity; for example, such a Complainant may still be enrolled as a student even while on leave of absence, or may intend to re-apply after a leave of absence and thus is still "attempting to participate" even while on a leave of absence. By way of further example, a Complainant who has left school because of Sexual

Complaint may be filed with the Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Coordinator in section IV. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through the College’s Whistleblower website) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Where the Coordinator signs a Formal Complaint, the Coordinator is not a Complainant or otherwise a party under this Policy and any ensuing Grievance Procedures shall still comply with section XV; this means the Respondent and the Complainant, if known, shall be afforded the same rights and opportunities as if a Complainant signed the Formal Complaint. When assessing whether to sign a Formal Complaint in the absence of a filing by the Complainant, the Coordinator shall consider the unique circumstances of each allegation of Sexual Harassment; relevant facts include – without limitation – a pattern of alleged misconduct by a particular Respondent (e.g., an individual in a position of authority), and whether the Complainant’s allegations involved violence, use of weapons, or similar factors. The Coordinator must first contact the Complainant to discuss the availability of Supportive Measures and take other action as required by section XIII before filing a Formal Complaint.

## **B. Generally Applicable Information**

**1. Equitable Treatment of Complainants and Respondents.** These Grievance Procedures treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by following a process that complies with Title IX before the imposition of any disciplinary sanctions (or other actions that are not Supportive Measures) against a Respondent.

**2. Grievance Timeline & Extensions.** The College designed its Grievance Procedures to investigate a matter, hold a Hearing and to render a determination within seventy-five (75) calendar days upon receipt of a Formal Complaint, and then to provide an opportunity for appeal. However, due to reasons outside of the College’s control (e.g., a Formal Complaint submitted when the College is closed for Winter Break) some investigations may take longer than others. The Coordinator may implement a limited deadline extension or temporary delay for good cause upon written notice to the parties. Such notice shall include the reason for the timeline or procedural modification. Additionally, either party may request a limited deadline extension or temporary delay of the Grievance Procedures for good cause, and the Coordinator will grant or reject such requests in its discretion. Good cause may include considerations such as: the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity [as addressed in Section XV(B)(5)]; or the need for language assistance or accommodation of disabilities.

**3. Conflicts.** The Coordinator shall select the Investigator, the Hearing Panel, Appeals Officer, and Informal Resolution Facilitator, for each investigation from a pool of College employees or third parties specifically trained to serve in those roles. The College will appoint a replacement if: (a) any individual, including the Coordinator, tasked with a responsibility under this Policy is the Respondent or Complainant, or (b) the College determines in its sole discretion that any such person has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent (due to a preexisting relationship or otherwise). Whether bias exists requires examination of the particular facts of a situation. In the event the Complainant or Respondent believes that the Coordinator or Policy Advisor for Employee Matters is conflicted, the party should inform the Associate Vice President of Human Resources as soon as reasonably feasible – no later than five (5) days after the parties’ receipt of written notice from the Coordinator regarding the filing of a Formal Complaint [as required by section XV(C)(1)] if a Formal

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Harassment, but expresses a desire to re-enroll if the College appropriately responds to the Sexual Harassment, is “attempting to participate” in the College Education Program Or Activity.

Complaint is filed by the Complainant or signed by the Coordinator. The Respondent or Complainant shall inform the Coordinator of any perceived conflicts with the Investigator, Hearing Panel, Appeals Officer, or Informal Resolution Facilitator within three (3) days after receiving notice of such assignments. The Coordinator, or Associate Vice President of Human Resources, as applicable, shall apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating conflict objections, exercising caution not to apply generalizations that might lead to unreasonable conclusions that bias exists.

**4. Notices.** Except as otherwise specifically provided herein, all notices or communications due under this Policy shall be in writing and mailed or emailed to the respective addresses set forth in this Policy, or provided in person to the required individual, or given over the phone directly to the required individual. Neither leaving a message with an individual other than the required administrator nor recording a voicemail shall constitute notice. Written notice shall be deemed given on the date of its receipt by the College. The default method of transmission by the College for all notices, reports, responses, and other forms of communication detailed in this Policy shall be email using Columbia email addresses (for students and employees).

**5. Investigation Delays Due To Law Enforcement Requests.** Upon request by law enforcement, the College may elect to delay its investigation until after the police or other governmental investigatory body has completed the first stages of its fact-gathering. During such a delay, the College shall continue to implement Supportive Measures and to communicate with the Complainant and Respondent regarding their rights under this Policy. When law enforcement has completed this initial step, the College shall promptly resume its own investigation. While the College may temporarily delay its processes pursuant to this section to avoid interfering with law enforcement efforts, the College shall otherwise apply this Policy without regard to the status or outcome of any criminal process.

**6. Consolidation of Formal Complaints.** The Coordinator may consolidate Formal Complaints as to allegations of 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 (i.e., a cross-complaint), where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the Grievance Procedures involve more than one Complainant or more than one Respondent, references in in the Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

**7. Advisor.** Each party may bring one advisor of the party’s choice (an “Advisor”) to any meeting or hearing conducted pursuant to these Grievance Procedures. The Advisor may be, but is not required, to be an attorney. Except for engaging in cross-examination during a Hearing as detailed in section XV(E)(5), sitting next to and quietly conferring with the party, and requesting a recess, the Advisor shall not participate in any meeting or Hearing; this means that each party must personally respond to any questions posed by the Coordinator, Investigator, Informal Resolution Facilitator, or the Hearing Panel. The Coordinator, in the Coordinator’s sole discretion, may remove an Advisor who is not abiding by these rules or is creating a disruption.

**8. Presumption of Non-responsibility & Burden of Proof.** There is a presumption that the Respondent is not responsible for the alleged Sexual Harassment until a determination regarding responsibility is made at the conclusion of these Grievance Procedures. Throughout the Grievance Proceedings, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

**9. Medical and Psychological Treatment Records.** The College shall 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 College obtains that party's voluntary, written consent to do so for the Grievance Proceedings.

**10. Equal Opportunities to Present Evidence.** Throughout the Grievance process, each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

**11. Court Orders.** The College shall abide by any and all orders of protection, no-contact orders, restraining orders, or similarly lawful orders issued by a court of appropriate jurisdiction and authority.

**12. Legally Recognized Privileges.** These Grievance procedures do not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.

**13. Rape Shield.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

**14. No Restrictions on Discussion of the Allegations.** Nothing in this Policy restricts the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

**15. Advance Written Notice of Meetings.** The College shall provide a party with advance written notice of the date, time, location, participants, and purpose of any Hearing, investigation interview, or other meeting where the party's participation is invited or expected. The notice shall provide sufficient time for the party to prepare for the meeting.

**16. Training.** The College provides training to all students and employees and confirms that individuals with responsibilities under this Policy are qualified to perform their duties as required by Illinois' Preventing Sexual Violence in Higher Education Act, Title IX, and all other applicable laws. All College employees whose duties include resolution of complaints under this Policy shall receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, Domestic Violence, Dating Violence, Stalking and their responsibilities under this Policy in compliance with 110 ILCS 155/25(b)(3). As required by 110 ILCS 155/30(c), the College shall provide trauma-informed response training to any employee involved in (a) the receipt of a student report of an alleged incident of sexual violence, Domestic Violence, Dating Violence, or Stalking, (ii) the referral or provision of services to an individual who has endured such behavior while enrolled, or (iii) any campus complaint resolution procedure that results from an alleged incident of sexual violence, Domestic Violence, Dating Violence, or Stalking.

As required by 34 C.F.R. § 106.45(b)(1)(iii), the College shall ensure that the Coordinator, Investigators, Hearing Panel members, Appeals Officers, and Informal Resolution Facilitators, receive training on the definition of Sexual Harassment, the scope of the "College Education Program Or Activity" phrase, how to conduct the investigation and Grievance Procedures in this Policy (including Hearings, appeals, and informal resolution processes) as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The College must also ensure that decision-makers receive training on any technology to be used at a live Hearing and on issues of relevance of questions and evidence,

including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in section XV(B)(13). In addition, the College must verify that Investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence, as required by section XV(C)(6). The aforementioned is in addition to any other training required by Title IX or other federal, state, or local laws with respect to the College employees listed above, College-provided advisors, or other College employees or agents with responsibilities under this Policy.

**17. Admission.** At any time after the filing of a Formal Complaint and before the issuance of the Hearing determination to the parties [as described in section XV(H)], the Respondent may notify the Coordinator that the Respondent accepts responsibility for the alleged Sexual Harassment. If the Respondent accepts responsibility, the College shall implement appropriate remedies and disciplinary sanctions and provide notice as required under Section XV(H). Either party may appeal the sanctions as provided under section XV(I)(2).

### **C. Investigating Sexual Misconduct**

**1. Notice of Formal Complaint.** As soon as practicable, but no later than three (3) days after signing a Formal Complaint or receipt of a Formal Complaint filed by the Complainant, the Coordinator shall provide the following written notice to the parties who are known: (a) notice of these Grievance Procedures and the Informal Resolution Process, and (b) notice of the allegations potentially constituting Sexual Harassment as defined in this Policy, 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 Sexual Harassment under this Policy, and the date and location of the alleged incident, if known. The written notice shall include 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 Procedures. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under section XV(B)(7), and may inspect and review evidence under section XV(C)(5). The written notice shall also inform the parties that knowingly making false statements or knowingly submitting false information during the Grievance Procedures is a violation of this Policy. If the College later decides to investigate allegations about the Complainant or Respondent that are not included in the aforementioned notice, the Coordinator shall provide notice of the additional allegations to the parties whose identities are known.

**2. Informal Resolution Option.** At any time after the filing of a Formal Complaint but prior to the Hearing Panel's determination, the Coordinator may (in the Coordinator's discretion or upon the request of a party) propose that the parties resolve the Formal Complaint through the Informal Resolution Process without a full investigation and adjudication. The Informal Resolution Process may, without limitation, include mediation and restorative justice. The College shall never offer an Informal Resolution Process to resolve allegations that an employee sexually harassed a student. Prior to commencing the Informal Resolution Process, the Title IX Coordinator shall transmit a written notice to the parties that provides:

- the allegations;
- an identification of the individual responsible for facilitating the information resolution, who may be the Title IX Coordinator, another College official, or a suitable third-party ("Informal Resolution Facilitator");
- the requirements of the Informal Resolution Process, including the circumstances where the parties are precluded – during the Informal Resolution Process or due to a final resolution – from resuming the investigation and adjudication of the allegations at issue in the Formal Complaint;

- that the specific manner of any Informal Resolution Process shall be determined by the parties and the Title IX Coordinator, in consultation together;
- that, at any time prior to agreeing to a final resolution, any party has the right to withdraw from the Informal Resolution Process and resume the grievance process with respect to the Formal Complaint;
- an explanation of any other consequence resulting from participation in the Informal Resolution Process, including a description of records that will be generated, maintained, and/or shared [the College shall maintain all records relating to the Informal Resolution Process in the confidential manner described in Section XIII(C)];
- that information disclosed by the parties as part of the Informal Resolution Process shall not be considered by the Investigator or the Hearing Panel; and
- the College shall close the Informal Resolution Process period and reinitiate the formal grievance process if a resolution is not reached within twenty-one (21) days of the parties' written consent to begin this process.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence. The Informal Resolution Process is completely voluntary. Either party may decline to participate in the party's sole discretion. Nothing in this Policy requires, as a condition of an enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment.

During the pendency of the Informal Resolution Process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended. If the parties reach a resolution through the Informal Resolution Process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator shall reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Agreed-upon resolutions reached through the Informal Resolution Process may include – without limitation – disciplinary sanctions, such as suspension and expulsion. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College.

### **3. Initial Review of Formal Complaint; Mandatory & Discretionary Dismissal.**

a.) *Requirement to Investigate:* within seven (7) days after signing a Formal Complaint or receipt of a Formal Complaint filed by the Complainant, the Coordinator shall review the allegations in the Formal Complaint, and – by written notice to each party – either: (a) determine that the Formal Complaint is subject to resolution through these Grievance Procedures, and assign the matter to an Investigator, providing the Investigator's name and title, or (b) dismiss the Formal Complaint as provided below.

b.) *Mandatory Dismissal:* if the conduct alleged in the Formal Complaint: (i) would not constitute Sexual Harassment even if proved, (ii) did not occur in a College Education Program Or Activity, or (iii) did not occur against a person in the United States, then the College must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under this Policy (which was drafted to comply

with Title IX); such a dismissal does not preclude action under other sections of the Discrimination Policy, the Student Code of Conduct, the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process, an applicable collective bargaining agreement, or any other Columbia policy or agreement.

c.) *Discretionary Dismissal*: The Coordinator may – in the Coordinator’s discretion – dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or Hearing: (i) a Complainant notifies the Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (ii) the Respondent is no longer enrolled or employed by the College; or (iii) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. This Policy provides the College with discretion to proceed with an investigation against a Respondent in circumstances where a Complainant requests that the Formal Complaint or allegations be withdrawn. The College may determine that it is prudent to proceed with an investigation against a Respondent where, for example, the College has gathered evidence apart from the Complainant’s statements and desires to reach a determination regarding the Respondent’s responsibility, the Respondent poses an ongoing risk to the Community, or for other reasons.

Specific circumstances preventing the College from gathering evidence sufficient to reach a determination may include (without limitation): (i) where no Complainant is identified during the investigation (applicable in cases where, for example, a third party reports that a Complainant suffered Sexual Harassment but does not disclose the Complainant’s name, or a Complainant reports anonymously, and the Coordinator signs a Formal Complaint), (ii) where a Formal Complaint contains allegations that are precisely the same as allegations the College has already investigated and adjudicated, (iii) the length of time elapsed between an incident of alleged Sexual Harassment and the filing of a Formal Complaint prevent the College from collecting enough evidence to reach a determination, and (iv) where the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant’s statement in the Formal Complaint or as documented in an interview by the Investigator.

d.) *Notice of Dismissal*: Upon a dismissal required or permitted pursuant to this section, the Coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

e.) *Appeal of Dismissal*: Either party may appeal a dismissal upon the conditions established in section XV(I).

**4. Preliminary Meeting With Coordinator.** In any written notice informing the parties that the Coordinator has assigned the Formal Complaint to an Investigator, the Coordinator shall also offer to meet separately with the Complainant and the Respondent to apprise both parties of their rights under this Policy and to address questions related to these Grievance Procedures. During such meeting, the Coordinator shall also provide both parties with notice of the types of information that likely will be disclosed during the investigation, the recipients of this information, and the reasons for any disclosures. If the Coordinator has not previously offered Supportive Measures to the Respondent through an interactive process upon the Respondent’s request [as detailed in section XIII(B)], the Coordinator shall do so in the meeting with the Respondent.

**5. Fact Gathering and Procedural Equality.** The Investigator shall undertake a thorough search for relevant facts and evidence pertaining to the Formal Complaint while operating under the constraints of conducting and concluding the investigation under the designated time frames established in these Grievance Procedures. The Investigator shall meet with the parties, identify and interview witnesses, and visit relevant locations. As soon as practicable after beginning an investigation, the Investigator shall meet with each party individually to schedule a timeframe for submitting relevant evidence and identifying witnesses. Submission

deadlines and other restrictions on the presentation of evidence shall apply equally to both parties. During the fact gathering stage, the Investigator shall provide the Complainant and Respondent with periodic updates of the status of the investigation. Both parties shall have 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 College does 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.

The Investigator shall send to each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format<sup>18</sup>, within twenty (20) days of the Investigator's assignment to this matter by the Coordinator, provided such timeframe may be extended for seven (7) day intervals with written notice explaining the reason for the extension to the parties. The means of electronic submission to the parties shall prohibit copying, saving, or further dissemination of the evidence. Neither party shall disseminate, copy, photograph or otherwise use this evidence for any purpose unrelated to these Grievance Procedures. The parties shall then have ten (10) days to submit a written response (which may include any corrections to the evidence, notification of missing evidence, or additional context), which the Investigator shall consider prior to completion of the Investigative Report. Each party shall receive a copy of the other party's written response, and five (5) days to submit a reply, which may include additional evidence.

For the parties' convenience, the College shall provide hard copies of any such evidence subject to inspection and review under this section for use during any resulting Hearing. The Investigator shall have ten (10) days from receipt of the party's timely responses to generate an Investigative report or, alternatively, extend the investigation for seven (7) day intervals upon written notice to the parties with an explanation of the reason for the extension.

**6. The Investigative Report.** The Investigator shall create an Investigative Report that fairly summarizes relevant evidence and, at least ten (10) days prior to any Hearing, send to each party and the party's advisor, if any, the Investigative Report in an electronic format, for their review and written response. The means of electronic submission to the parties shall prohibit copying, saving, or further dissemination of the evidence. Neither party shall disseminate, copy, photograph or otherwise use the Investigative Report for any purpose unrelated to these Grievance Procedures. Evidence is relevant if it is pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Where necessary, the Investigator shall redact non-relevant information from the Investigative Report. The Investigator shall neither make any credibility assessments nor assign responsibility.

#### **D. Pre-Hearing Conference and Hearing Notices, Party Responses to the Investigative Report, and Pre-Hearing Conference Parameters**

**1. Notice of Pre-hearing Conference and Hearing.** The Coordinator shall arrange for a live Hearing to determine whether the Respondent is responsible for the alleged Sexual Harassment. Within five (5) days after submission of the Investigative Report to the parties, the Coordinator shall submit written notice to the parties providing: the composition of the assigned Hearing Panel; the location, date, and time for a Pre-hearing Conference; a statement that the parties must submit any written response to the Investigative Report no later than twenty-four (24) hours before the Pre-hearing Conference; the location, date, and time for the Hearing; and a copy of the College's Hearing procedures. Unless the parties agree to an expedited schedule, neither the Pre-hearing Conference, nor the Hearing itself, may be held any earlier than ten (10) days from the date of transmittal of this written notice. A party shall promptly inform the Coordinator if the party has a

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<sup>18</sup> The Investigator shall redact information collected that is not directly related to the allegations (or that is otherwise barred from use under this Policy, such as information protected by a legally recognized privilege under section XV(B)(12), or a party's treatment records under section XV(B)(9) if a party has not given consent).

conflict on the scheduled dates; the Coordinator may propose an alternative Hearing date but is not obligated to do so.

## **2. Investigative Report Responses.**

A party's written response to the Investigative Report (which shall be shared with the other party) must include:

- To the extent the party disagrees with the Investigative Report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the Hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any Columbia student or employee witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the Hearing Panel;
- A list of any third-party witnesses that the party intends to bring to the hearing without an attendance notice issued by the Hearing Panel;
- Any objection that the party has to the Hearing procedures;
- Any request that the parties be separated physically during the Pre-hearing Conference and/or Hearing;
- Any other modifications that the party seeks with respect to the Pre-hearing Conference and/or Hearing;
- The name and contact information of the Advisor who will accompany the party at the Pre-Hearing Conference and Hearing;
- If the party does not have an Advisor who will accompany the party at the Hearing, a request that the College provide an advisor for purposes of conducting cross-examination as detailed in section XV(E)(5).

A party's written response to the Investigative Report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

**3. Pre-Hearing Conference.** Prior to the Hearing, the Hearing Panel shall conduct a Pre-hearing Conference with the parties and their Advisors. The Pre-hearing Conference shall be conducted live, with simultaneous and contemporaneous participation by the parties and their Advisors. By default, the Pre-hearing Conference shall be conducted with the Hearing Panel, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties shall be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. In the Hearing Panel's discretion, the Pre-hearing Conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the Pre-hearing Conference, the Hearing Panel shall discuss the Hearing procedures with the parties; address matters raised in the parties' written responses to the Investigative Report as the Hearing Panel deems appropriate; discuss whether any stipulations may be made to expedite the Hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the Hearing Panel determines, in the Hearing Panel's discretion, should be resolved before the Hearing.

**4. Issuance of Notices of Attendance.** After the Pre-hearing Conference, the Hearing Panel shall

transmit notices of attendance to any College employee or student whose attendance is requested at the hearing as a witness. The notice shall advise the witness of the specified date and time of the hearing and advise the witness to contact the Hearing Panel immediately if there is a material and unavoidable conflict. Witnesses should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the Hearing will conflict with job duties, classes, or other obligations. All managers, faculty members, and other supervisors are required to excuse the witness of conflicting obligations, or provide some other accommodation, so that the witness may attend the Hearing as specified in the notice. The College will not issue a notice of attendance to any witness who is not an employee or a student.

## **E. The Hearing**

**1. The Location & Who May Attend.** Hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other. If the College requires in-person attendance, the College shall provide (upon the request of either party) for the Hearing to occur with the parties located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions.

Hearings are not open to the public; only the parties, the Coordinator, each party's Advisor, the Hearing Panel, witnesses, and certain College employees as designated by the Coordinator may attend. Except during recesses or periods where the Hearing Panel breaks to convene or deliberate in private, the parties and their Advisors are entitled to attend the entire Hearing. Witness may only participate in a Hearing to the extent required to provide testimony and participate in cross-examination.

**2. Hearing Panel Composition.** The Hearing Panel consists of a Lead Hearing Officer (the "Lead") and two Hearing Officers. The Lead and each of the Hearing Officers shall be College employees or other individuals trained to perform these roles as required by Title IX.

**3. Time limits.** No Hearing shall exceed more than six (6) hours per day, or eighteen (18) hours per week. The Coordinator shall schedule extra days, as necessary, for Hearings that require more than one (1) day. Where practicable, such Hearing sessions should occur on consecutive days. The parties shall endeavor in good faith to be available for additional days in the event of an emergency (or other event) requiring a continuance or to accommodate other delays.

**4. General Overview & Hearing Panel's Role.** The Lead shall preside over the Hearing in an orderly, non-adversarial manner. As further explained in section XV(E)(6), The Hearing Panel shall make all relevancy determinations. Each Hearing shall consist of: an explanation of the Sexual Harassment allegations and the Hearing rules by the Lead; an opportunity for each party to give short, opening statements; questions from the Hearing Panel to each party and witness; cross-examination by each party's advisor of the other party and the witnesses; follow-up questions as necessary by the Hearing Panel; and an opportunity for any brief, closing remarks by the parties. The Lead shall determine when to take a recess or to adjourn.

Parties and witnesses should answer questions to the best of their knowledge. As addressed previously in section VI, knowingly providing false information is a violation of the Discrimination Policy, and may result in discipline.

**5. Cross-Examination by a Party's Advisor.** Each party's Advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the Hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. A party's Advisor may appear and conduct cross-examination even when the

party whom they are advising does not appear. Advisors shall conduct cross-examination in a respectful, non-abusive manner. No individual shall be “yelled at” or asked questions in an intimidating manner. An Advisor’s failure to follow this or any other rule established pursuant to this Policy may result in the Advisor’s suspension from the proceedings; in such event, the Hearing Panel shall assign – at the College’s cost - an advisor of the College’s choice to replace the suspended Advisor.

**6. Only Relevant Questions Permitted.** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. When assessing relevancy, the Panel shall consider whether the question asks about a detail that is probative of any material fact concerning the allegations. As provided above in section XV(C)(6), evidence is relevant if it is pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Questions that are duplicative or repetitive are not relevant and may be excluded by the Hearing Panel. Federal or state rules of evidence do not apply.

In summary, the following types of evidence and information are irrelevant or otherwise prohibited from use during the Grievance Procedures (including any Hearing): (a) information protected by a legally recognized privilege (as explained in section XV(B)(12)); (b) evidence about a Complainant’s prior sexual history (except as provided otherwise in this Policy in Section XV(B)(13); and (c) any party’s medical, psychological, and similar records unless the party has given voluntary, written consent (as explained in section XV(B)(9).

**7. Optional Participation.** The College encourages, but does not require, the Complainant, Respondent, and any witnesses’ full participation in a Hearing. Columbia acknowledges that Hearings (which, as explained above, include cross-examination) concerning Sexual Harassment may be emotionally challenging and uncomfortable, and that an individual may decide reasonably not to attend at all, to attend the Hearing but to decline to participate in cross-examination, to answer some but not all of a party’s Advisor’s questions during cross-examination, or a different arrangement. The Hearing Panel shall not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live Hearing or refusal to answer cross-examination or other questions.

To the extent permitted by law, the Hearing Panel may consider statements from Parties and witnesses who did not attend the Hearing or attended the Hearing but did not submit to cross-examination if the statements are relevant and not otherwise prohibited from use during the Grievance Procedures. Such statements may include (without limitation): those made by Parties and witnesses during the investigation; emails or text exchanges between the Parties leading up to the alleged Sexual Harassment; and statements within police reports, Sexual Assault Nurse Examiner documents, medical reports, or other documents.

**8. College Appointment of Advisor.** If a party does not have an Advisor present at the Hearing, the College must provide without fee or charge to that party, an advisor of the College’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Where a party does not appear and that party’s Advisor does not appear, a College-provided advisor must still cross-examine the other, appearing party “on behalf of” the non-appearing party.

**9. Witnesses.** The Hearing Panel shall determine which witnesses to invite to the Hearing. In a party’s response to the Investigative Report [as detailed previously in section XV(D)(2)], a party may request certain witnesses for the Hearing Panel’s consideration.

**10. Required Recording or transcript.** The College shall create an audio or audiovisual recording, or transcript, of any Hearing and make it available to the parties for inspection and review within three (3) days of completion of the Hearing.

**F. Evidentiary Standard & Determination.** Within ten (10) days of the Hearing, the Hearing Panel shall objectively examine all relevant evidence received through the course of the investigation and Hearing (including both inculpatory and exculpatory evidence), determine whether it is more likely than not that the Respondent engaged in the Sexual Harassment alleged (a “preponderance of the evidence” standard), and support a written report of its determination to the Coordinator. The preponderance of the evidence standard shall apply to all Formal Complaints of Sexual Harassment, regardless of whether the Respondent is a student, faculty member, or staff member. Credibility determinations shall not be based on a person’s status as a Complainant, Respondent, or witness. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of Sexual Harassment.

**G. Disciplinary Sanctions & Remedies.** If the Hearing Panel finds a violation of this Policy, the Coordinator shall forward the aforementioned Hearing Panel report to the Dean of Students, the Associate Vice President for Human Resources, and/or the Provost for a determination of the appropriate remedies for the Complainant and disciplinary sanctions for the Respondent. Such decisions shall be made as follows: by the Dean of Students for student parties, by the Associate Vice President for Human Resources for staff parties, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty parties. The remedies shall be designed to restore or preserve equal access to the affected College Education Program Or Activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies include (without limitation):

- Making permanent relevant individualized services that were administered previously as Supportive Measures;
- Providing comprehensive, holistic victim services including on-campus health center, on-campus counseling, and academic support services, such as tutoring;
- Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- Reviewing any past disciplinary action against the Complainant to evaluate whether there was a causal connection between the Respondent’s Sexual Harassment and the misconduct that resulted in the College disciplining the Complainant; and
- The Provision of additional education and/or support services for the entire Community.

Disciplinary sanctions for the Respondent include: mandatory apologies, verbal reprimands, written warnings, behavioral contracts, loss of privileges, required College service or participation, restitution, learning activities, permanent change of residence, probation, termination, restricted access, suspension, and expulsion.

When determining disciplinary sanctions and remedies, the Dean of Students, the Associate Vice President for Human Resources, or the Provost, as applicable, may consider aggravating and mitigating factors, including but not limited to: (1) whether the Respondent has engaged in sexual discrimination in the past, (2) the nature of such past violations, if any, (3) the extent to which the Sexual Harassment at issue here was premeditated, (4) the impact of the behavior on the Complainant and/or the Columbia community, (5) whether the Respondent is apologetic or has otherwise accepted responsibility, (6) deterrence considerations, (7) the probability that the Respondent will violate the Policy again, and (8) the Respondent’s involvement in the Columbia community.

**H. Simultaneous Written Notice of the Outcome & Sanctions.** The Coordinator shall provide both parties with simultaneous written notice of the Hearing Panel’s determination no later than seven (7) days after the Coordinator’s receipt of the Hearing Panel’s determination report. This written notice shall include:

- (1) Identification of the allegations potentially constituting Sexual Harassment;

(2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including the date the College received notice of the allegations, the name of the Investigator, any notifications to the parties, interviews with parties and witnesses (with dates and locations), site visits, methods used to gather other evidence, the process undertaken by the parties to inspect and review the evidence and the Investigative Report, hearings held, any delays or Policy modifications, and any inability to obtain evidence (such as the unavailability of a witness).

(3) Findings of fact supporting the determination;

(4) Conclusions regarding the application of this Policy 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 College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College Education Program Or Activity will be provided by the College to the Complainant; and

(6) The procedures and permissible bases in this Policy for the Complainant and Respondent to appeal.

The Hearing Panel's determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Coordinator is responsible for effective implementation of any remedies.

## **I. The Appeal.**

**1. Post Dismissal or Hearing Appeal Rights.** Either party may send a written appeal to the Coordinator within ten (10) days of receiving formal notice of: a dismissal of a Formal Complaint (or any allegations therein) under section XV(C)(3) or, the Hearing Panel's decision. To constitute a valid appeal, the appeal must assert at least one of the four following grounds: (a) there was a procedural irregularity that affected the outcome of the matter; (b) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (c) the Title IX Coordinator, Investigator, or Hearing Panel 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; and (d) the disciplinary sanctions are disproportionate to the Sexual Harassment. A party shall submit a clear and detailed explanation of the basis for the appeal with any available documentation. The appeal must be limited to the scope of the Formal Complaint.

If the Coordinator determines that the appeal is valid, the Coordinator shall serve the non-appealing party with a copy and – with notice to both parties – assign the appeal to an Appeals Officer. The opposing party may issue a formal response within ten (10) days of receiving a copy of the appeal. Upon the expiration of this ten (10) day window or receipt of the non-appealing party's response, the Appeals Officer shall have ten (10) days to conclude review of the findings or sanctions, as appropriate. The Appeals Officer shall then issue a final decision to the parties – either upholding the dismissal, the Hearing Panel's determination, and/or the disciplinary sanctions, as appropriate, or imposing a revision to such orders – within seven (7) days of the conclusion of that review process. The Appeals Officer may implement a procedural remedy, including but not limited to remanding for a new hearing. The Appeals Officer, in the Appeals Officer's sole discretion, may provide both parties with an opportunity to speak to the merits of the appeal in person, through videoconference, or over the phone. The Appeals Officer shall issue a written decision describing the result of the appeal and the rationale, with simultaneous, written notice to both parties. This decision binds both parties and is not subject to subsequent appeal under this Policy by either party.

**2. Appeals Under Section XV(B)(17).** After accepting responsibility for alleged Sexual Harassment, as articulated in section XV(B)(17), a party shall have ten (10) days to submit a written appeal after receiving notice of any imposed disciplinary sanctions. These appeals are limited to the grounds that the disciplinary sanctions are disproportionate to the Sexual Harassment. All other timelines and procedures are identical to those in the above section.

**Section XVI. Off-Campus Resources For Assistance & Support.** The below Chicago area organizations may offer support, assistance, and information to Complainants, Respondents, witnesses, or others affected by Sexual Harassment. Individuals should contact these organizations for additional information regarding offered services, intended recipients, and applicable confidentiality policies.

YWCA Metropolitan Chicago  
1 N. LaSalle Street Suite 1150  
Chicago, IL 60602  
312.733.2102  
<https://ywcachicago.org/our-work/sexual-violence-support-services/>

Resilience (Formally RVA)  
180 N. Michigan Suite 600  
Chicago, IL 60601  
312.443.9603  
[www.ourresilience.org/](http://www.ourresilience.org/)

Center on Halsted  
3656 N. Halsted St Chicago, IL 60613  
773.472.6469  
<http://www.centeronhalsted.org/>

YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN affiliate)  
Call 888.293.2080 in Chicago Metropolitan Area  
<https://ywcachicago.org/our-work/sexual-violence-support-services/rape-crisis-hotline/>

The Title IX Coordinator and Confidential Resources, including Confidential Advisors, are available to assist Complainants, Respondents, and witnesses, with obtaining support from the above off-campus resources or other appropriate third-party providers.

**Section XVII. Precedence Over Other College Policies.** In the event of a conflict between the terms of this Policy and other sections of the College's Discrimination Policy, or any other College policy or agreement, the terms of this Policy shall control.

**Section XVIII. Policy Review & Modification.** The College reserves the right to modify or amend this Policy at any time. Any modifications shall not be retroactively applied to any prior or pending investigations.

## Appendix B

### Student Sexual Misconduct Policy & Procedures

**Section I. Purpose & Applicability.** Columbia College Chicago (the “College” or “Columbia”) is committed to maintaining an environment that respects the dignity of its students, faculty, and staff and is free from discrimination of any kind. The College does not discriminate on the basis of sex in its education programs or activities (including, without limitation, in admissions and employment). Sexual Harassment [as defined in Section XIII(A)], which includes acts of sexual violence, is a form of sex discrimination. This Student Sexual Misconduct Policy & Procedures (the “Policy”) supplements the College’s Title IX Sexual Harassment Policy & Procedures (the “Title IX Policy”), which prohibits sexual harassment to the extent required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”).

This Policy addresses unwelcome sexual behavior perpetrated by students that is inconsistent with the College’s educational mission but outside the scope of Title IX. Specifically, the Policy contains Grievance Procedures (defined and explained in Section XIV) that provide for prompt and equitable resolution of any allegation of Sexual Misconduct (a type of Sexual Harassment as defined below) not covered by the Title IX Policy that is (A) made against a student by another student, College employee, or third party and (B) related to or made in the context of the College’s academic, educational, extracurricular, athletic or other programs and activities. The College designed these procedures to end the Sexual Misconduct, eliminate any resulting hostile environment, remedy any other effects, and prevent the Sexual Misconduct from reoccurring. This Policy applies to all Columbia faculty, staff, students, as well as to third parties (the “Community”), regardless of sexual orientation or gender identity.

**Section II. Scope of Policy.** The College has jurisdiction over complaints made pursuant to this Policy. The Grievance Procedures in this Policy cover Sexual Misconduct. Sexual Misconduct is quid pro quo Sexual Harassment or Sexual Harassment that creates a Hostile Environment (as explained in Section XIII). Sexual Misconduct may include, but is not limited to: Sexual Violence, Sexual Exploitation, and Stalking. This Policy’s Grievance Procedures cover Sexual Misconduct that occurs in connection with on-campus and/or off-campus Columbia programs or activities. The College may initiate an investigation under this Policy regardless of where the alleged misconduct took place. To illustrate, this Policy’s Grievance Procedures would apply to Sexual Misconduct that took place inside the College’s 600 S. Michigan building or during an off-campus Columbia-sponsored course, training program, domestic field trip, or study abroad experience. The Grievance Procedures would also cover Sexual Misconduct that allegedly occurred during an event neither sponsored by nor related to a College program or activity if a Community member experienced the continuing effects of such misconduct while at the College or during a Columbia sponsored event.

The Policy’s Grievance Procedures govern Sexual Misconduct where the party accused of such behavior (the “Respondent”) is a Student<sup>1</sup> or group of Students. This Policy applies regardless of the identity of a Complainant or witness. As used in this Policy, the “Complainant” means “an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct.” Although the Grievance Procedures

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<sup>1</sup> For purposes of this Policy, a Student is: (A) an individual currently enrolled in any part-time or full-time academic program at the College, (B) an individual who was enrolled previously, is not enrolled currently, but is reasonably anticipated, in the College’s sole determination, to seek enrollment again, (C) an individual who withdrew from the College after the initiation of an investigation under this Policy, or (D) an individual who has applied for admission in the upcoming semester or academic year, received an offer to attend, and either accepted the offer or is reasonably likely, as determined by the College, to attend.

apply strictly to Sexual Misconduct, the College prohibits all forms of Sexual Harassment, including offensive and/or inappropriate behavior that does not rise to the level of Sexual Misconduct under this Policy (i.e. Sexual Harassment that neither creates a Hostile Environment nor constitutes Quid Pro Quo Sexual Harassment). The College encourages the Community to report any such behavior to a College official so that it may promptly investigate and respond.

The College shall treat all allegations under this Policy in a responsible manner. As explained in more detail in sections IX, XI, and XIV, the College will endeavor to respect all reasonable requests for confidentiality beyond those procedures provided in this Policy.

### **Section III. Applicability of Other Columbia Policies.**

**A. Statement of Non-Discrimination.** The Policy's focus on Sexual Misconduct is consistent with the College's broad Statement of Non-Discrimination. As articulated in this Statement of Non-Discrimination, the College does not discriminate in its admissions, employment, housing, services, or in the education courses, programs, or activities that it operates based on age, gender, sex, race, color, ethnicity, religion, national origin, disability, or sexual orientation.

**B. Anti-Discrimination and Harassment Policy.** This Policy is part of the College's Anti-Discrimination and Harassment Policy, which bars all forms of harassment and inappropriate discrimination and encourages the Columbia community to notify appropriate College personnel in the event of any prohibited behavior.

**C. Relationship to Other College Policies.** In the event of a conflict between this Policy and the Title IX Policy, the Title IX Policy shall control. However, this Policy has priority in the event of a conflict with any other section of the College's Anti-Discrimination & Harassment Policy, or any other College policy or procedure.

**Section IV. Options For Immediate Emergency Assistance Following An Incident Of Sexual Violence (as defined in Section XIII).** As explained in Section IX, individuals have multiple options for reporting Sexual Misconduct to the College depending on their preferences, comfort level, and confidentiality needs. Regardless of the manner in which an individual may elect to report – or not to report – to the College, individuals who have experienced any act of Sexual Violence – i.e. unwanted physical sexual acts such as rape, as defined in Section XIII – and/or need emergency assistance after an incident, shall first and foremost:

- A.) Get to a place of safety. Dial 911 for local Police or 312.369.1111 for Campus Safety & Security immediately if at continued risk, and;
- B.) Seek any necessary medical attention as soon as possible.

- Downtown Chicago Hospitals include:
  - Northwestern Memorial Hospital (Emergency Department), 250 E. Erie St, Chicago, IL 60611 (312.926.5188) (about 2.1 miles from Columbia's 600 S. Michigan building)
  - Rush University Medical Center (Department of Emergency Medicine), 1653 W. Congress Parkway, Chicago, IL 60612 (312.942.5000) (about 3 miles from Columbia's 600 S. Michigan Building)
- **Going to an Illinois hospital for medical care after an incident of Sexual Violence does not obligate an individual to file a report with the College or the police.**

C.) To maximize evidence collection:

- Do not shower or change clothes. Try not to urinate if possible
- If oral contact took place, do not smoke, eat, drink, or brush teeth.
- If leaving from home, take extra clothes/shoes.

If an individual is uncertain regarding how to respond, he or she should consider calling one of the advocates or resources listed in section X of this Policy.

### What to Expect at the Hospital<sup>2</sup>

Seeking medical care is important, regardless of whether an individual chooses to report to the police or to the College. Hospitals and other medical centers may provide a physical exam, treatment, and collection of any relevant evidence. The below section includes a summary of and general notes regarding the intake procedure at many Chicagoland hospitals. Please note that the precise procedures at each medical center may vary.

#### *The Emergency Room Exam*

- A local hospital emergency room can provide immediate medical attention. The emergency room responds to both the physical trauma of the Sexual Violence and the process of collecting evidence in case an individual wishes to report to law enforcement. Rape victim advocacy services are also available at many Chicago hospitals to provide support and referrals.
- Hospitals in Illinois are required to notify the local police department that treatment has been given to an individual alleging sexual assault. However, an individual is not required to file a police report.
- An individual may sign consent forms to allow the medical personnel to examine, treat, and administer medication, and to release information to the police. The nurse or advocate will explain the exam procedures and can be present throughout the exam.
- After an incident of Sexual Violence, the primary medical concerns are physical injuries, sexually transmitted infections, and pregnancy. At the time of the examination, evidence can also be collected that can be used to prosecute the person(s) who it is alleged participated in Sexual Violence. If an individual wishes to have evidence collected, the individual should not bathe, douche or change clothes before the exam. This may destroy evidence. However, typically, evidence may still be collected up to a week after an incident of Sexual Violence. An individual may wish to bring a change of clothes when the individual goes to the emergency room, since clothing may be kept as evidence. A sweat suit or scrubs may also be provided.

#### *Evidence Collection*

- If an individual chooses, the hospital will conduct thorough and complete evidence collection using the Illinois State Police Evidence Collection Kit (the "rape kit"). The entire evidence collection process will be done only with the individual's consent. The individual may decline any portion of the exam. There is no fee for having a rape kit done and the individual does not need to use personal insurance. The Violence Against Women Act ("VAWA") conditions a state's receipt of certain federal funding on the provision of medical forensic examinations at no

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<sup>2</sup> Adopted from "After Sexual Assault," a resource page created by the Illinois Coalition Against Sexual Assault and Loyola University Chicago. The information provided within the "What to Expect at the Hospital" section is for general education purposes only; it is not, and shall not be construed as, legal or medical advice. The College encourages individuals to seek assistance from qualified attorneys and medical professionals as appropriate.

cost for individuals alleging sexual assault. The rape kit does not contain any medication.

- Evidence may be collected even if the individual does not plan to report the incident to the police. If the individual decides at a later date that it is best to file a police report, this evidence will be available. Any evidence found during the exam may strengthen any resulting criminal court case should the individual decide to file a police report.
- Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; collecting material from beneath fingernails; and collection of any other physical evidence (e.g., saliva from bite marks). These samples will be used to detect the DNA and any other debris from other persons involved or the scene of the incident.
- The clothes the individual is wearing also may be sent to a crime lab and may be kept as evidence until the case is closed. Photographs may be taken of bruises, cuts and other injuries that occurred. The photographs may be kept as evidence until the case is closed.

#### *The Cost of Treatment Outside the Student Health Center or the CareATC Clinic*

- The Sexual Assault Survivors Emergency Treatment Act (“SASETA”) may cover emergency room costs, including any medications received. In such case, the hospital should not bill for any treatment. If an advocate is present, the advocate may be able to assist with any questions related to SASETA and help to ensure that an individual is not charged for treatment.
- Under the Illinois Crime Victims Compensation Act (“CVCA”), victims of violent crimes who qualify can be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.

#### *Sexual Transmitted Infections*

- Sexually transmitted infections (“STIs”) such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during an act of Sexual Violence. An individual may not learn of an STI until several weeks or months after it has been transmitted.
- If an individual is concerned about having an STI, the individual should discuss this concern with the treating doctor or nurse. Certain medical professionals can give preventive medicine (e.g., antibiotics, and HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given. An individual should make sure to obtain the name, dosage, purpose, and possible side effects of the drug. The individual should get the actual medicine, not just a prescription.
- Even if an individual receives preventive treatment, it is important to be tested for STIs two (2) weeks after Sexual Violence, and again in six (6) weeks. The individual should repeat HIV testing in three (3) to six (6) months. The College Student Health Center (for students) and the CareATC Clinic (for eligible employees) can test for most STIs and provide referrals for free and low-cost STI and HIV testing.

#### *Pregnancy Testing*

- For individuals able to give birth, there is a chance that pregnancy could result from Sexual Violence. A test for pregnancy is recommended for all such individuals of childbearing age who are involved in Sexual Violence involving penetration.
- An individual may request a pregnancy test at the time of the exam. However, a test immediately after Sexual Violence will not show if a person is pregnant from the incident. Follow-up testing is the most reliable way to determine whether an individual is pregnant.
- Having a late period does not necessarily mean someone is pregnant. Stress, tension and worry can cause a late period; this happens to many individuals who endure Sexual Violence. Pregnancy testing

is available at the Student Health Center (for students) and the CareATC Clinic (for eligible employees).

**Section V. The College's Title IX Coordinator.** Columbia's Title IX Coordinator (the "Coordinator") is Janely Torres. Mrs. Torres oversees this Policy and is tasked with identifying and addressing any patterns or systematic problems revealed by Sexual Misconduct reports. She is responsible for ensuring, through regular review, that the College's Grievance Procedures remain prompt, equitable, and effective. Mrs. Torres also leads related training, and prevention and education efforts. Mrs. Torres is available to meet with students, faculty, and staff as needed to discuss particular issues and/or concerns.

Individuals with inquiries regarding this Policy should contact Mrs. Torres (contact information below).

Mrs. Janely Torres  
Director of Equity Issues & Title IX Coordinator  
623 S. Wabash, Room 315  
Chicago, IL 60605  
Phone: 312.369.6344  
jriviera@colum.edu

The College's Title IX Investigator is Verron Fisher. Unless a conflict exists, Ms. Fisher serves as the investigator for all formal complaints of Sexual Misconduct under this Policy (and all Formal Complaints of Sexual Harassment filed or signed pursuant to the Title IX Policy). Ms. Fisher's contact information is as follows:

Ms. Verron Fisher  
Title IX Investigator  
623 S Wabash Suite 315  
Chicago, IL 60605  
Phone: 312.369.6343  
vfisher@colum.edu

**Section VI. Retaliation Prohibited.** It is a violation of this Policy to retaliate in any way against an individual who has reported Sexual Harassment or otherwise assisted in the Grievance Procedures. Columbia will promptly investigate any allegation of retaliation and pursue disciplinary action as needed.

**Section VII. False Reports.** Knowingly making false allegations of Sexual Harassment or providing evidence with the knowledge that it is false is a violation of this Policy and may subject a person to disciplinary action up to and including termination or expulsion.

**Section VIII. Amnesty Under College Policy Restricting the Use of Drugs or Alcohol.** To encourage reporting, the College will consider any use of alcohol or drugs by the Complainant or witnesses at or near the time of the alleged Sexual Harassment to determine consent or memory only under this Policy and this behavior will not serve as the foundation for discipline or independent proceedings under another College policy. However, the College may, at its discretion, require students who engaged in such behavior to participate in education programs or recommend a meeting with a college counselor or other support persons.

**Section IX. Multiple Options For Reporting And Confidentially Disclosing Sexual Harassment**

**A. Overview.** The College encourages Complainants to report the offending behavior to individuals who can provide the desired level of support and assistance. Different Columbia employees have different rights and obligations regarding information sharing. The College asks Complainants to talk to an individual identified in one more of the below groups. Please note that, of the below on-campus resources, only the Office of Safety & Security can provide around-the-clock assistance.

**1. Responsible Employees:** *Complainants who would like to initiate an investigation under the Grievance Procedures should report to a Responsible Employee. A Responsible Employee is a College employee who has the duty to report incidents of Sexual Harassment to the Coordinator. Responsible Employees are required to report all the details of an alleged incident (including the identities of the Complainant, Respondent, and any witnesses, if known, and pertinent facts such as date, time, and location) to the Coordinator. A report to a Responsible Employee serves as a formal complaint to the College of alleged Sexual Harassment (“Complaint”) and obligates the College to investigate the incident and to take appropriate steps to address the situation.*

Responsible Employees include, but are not limited to<sup>3</sup>:

- The Coordinator;
- Employees with “Dean,” “Associate Dean,” “Assistant Dean,” “Chairperson,” “Associate Chairperson,” “Director,” “Coordinator,” “Provost,” “Associate Provost,” “Assistant Provost,” “Chief of Staff,” “Vice President,” “Assistant Vice President,” “Associate Vice President,” or “President” in their titles;
- All part-time and full-time faculty members;
- Resident Advisors (“RAs”);
- All employees in the Office of Human Resources and the Office of the Vice President of Student Affairs (including the Dean of Students’ Office and the Residence Life staff), excluding those employees who are Confidential Resources or non-professional Counselors & Advocates.
- All employees in the Office of Safety & Security (including its independent contractor security personnel). The Associate Vice President for the Office of Safety & Security is Ronald Sodini (rsodini@colum.edu). For emergencies, please call the 24-hour emergency command center at (312) 369-1111. The non-emergency command center phone number is (312) 369-3220.

When a Complainant or witness tells a Responsible Employee about an incident of Sexual Harassment, the College will promptly take steps to investigate what has happened and to resolve the matter efficiently and equitably. Notice to Responsible Employees constitutes notice to the College. To the extent possible, the College will not share information reported to a Responsible Employee with individuals other than those handling the applicable report pursuant to this Policy. For example, when permissible under the law, a Responsible Employee will not share information with law enforcement without the Complainant’s consent or unless the Complainant has also reported the incident to such body.

To the extent feasible, before a Complainant reveals any information to a Responsible Employee, the

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<sup>3</sup> Employees in the Global Education Office are not Responsible Employees under this Policy when assisting international students, undocumented students, or students for whom English is not their first language, with language interpretation, travel-related, or visa issues. Similarly, employees in the Office of Human Resources or the Services for Students with Disabilities Office (SSD) (including the Dean of Students to whom SSD staff report) are not Responsible Employees when providing guidance or other support concerning disability issues. See sections XIV(A)(4) and XIV(A)(5) for the services these offices provide.

Responsible Employee shall endeavor to ensure that the Complainant understands the Responsible Employee's reporting obligations. A Responsible Employee shall neither encourage the Complainant to report formally, if the Complainant is not ready to do so, nor pressure the Complainant to request assistance from a different resource. If the Complainant communicates that the Complainant does not want to initiate a formal investigation, the Responsible Employee shall then direct the individual to a Non-Professional Counselor & Advocate or Confidential Employee. If the Complainant communicates that the Complainant wants to issue a Complaint with the Responsible Employee but has specific concerns regarding the information sharing rules of a formal investigation (explained in Section XI), the Responsible Employee shall document any concerns and explain that, while the College will consider all confidentiality requests, it may not be able to avoid certain disclosures during an investigation. The Responsible Employee shall forward any confidentiality requests to the Coordinator along with formal notice of the Complaint.

**2. Non-Professional Counselors & Advocates.** *Complainants who may not be ready to report formally, but would still like information and support, may contact a Non-Professional Counselor & Advocate at the College. Generally, these employees are only required to report to the Coordinator that an incident occurred and do not have to reveal any personally identifying information. Disclosures to these employees, standing alone, will not initiate a College investigation into an incident against the Complainant's wishes.*

Kari Sommers, the Assistant Dean of Student Life, is a Non-Professional Counselor & Advocate at the College. Individuals who work or volunteer in Ms. Sommers' office, including front desk staff and students, can generally also talk to a Complainant without having to reveal any personally identifying information about an incident to the Coordinator. Ms. Sommers and her respective staff should report only the nature, date, time, and general location of an incident to the Coordinator. This limited report – which should not include any information that would directly or indirectly identify the Complainant – helps keep the Coordinator informed of the general extent and nature of Sexual Harassment on and off campus. Ms. Sommers will consult with the Complainant before reporting to the Coordinator to ensure that the report omits any personally-revealing details.

Kari Sommers  
Associate Dean of Student Life  
623 S. Wabash, Room 307  
312.369.7223  
klsommers@colum.edu

**3. Confidential Resources:** *Complainants who desire strictly confidential support and assistance, to the extent permitted by law, may contact a Confidential Resource. Under some circumstances, these employees are required to maintain near complete confidentiality. Speaking with a Confidential Resource does not constitute reporting to the College and, without more, will not trigger a formal investigation.*

Under certain circumstances, the law and applicable professional codes require the below-listed individuals and resources to keep the details of Sexual Harassment in a confidential manner and to refrain from disclosing such information to third parties without the reporting party's consent. In particular, professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Coordinator without a Complainant's permission. The following are Confidential Resources on-campus. Please check the below websites or contact these Confidential Resources directly for more information,

including updated hours and the best ways to receive assistance.

For Students

Columbia College Chicago Student Health Center (Licensed Physicians & Nurses) 916  
S. Wabash 5<sup>th</sup> Floor  
312.369.6830  
<http://students.colum.edu/health-center/>  
By appointment or walk-in

Counseling Services (Professional Counselors) 916  
S. Wabash 5<sup>th</sup> Floor  
312.369.8700  
<http://students.colum.edu/health-center/counseling-services/>  
By appointment or walk-in

Office of Student Relations (Professional Counselors)  
623 S. Wabash, Room 301  
312.369.8595  
By appointment or walk-in

*Confidential Advisors\**  
Orterio Villa  
Director of Student Organizations & Leadership  
754 S. Wabash, Room 231  
312.369.6792  
[ovilla@colum.edu](mailto:ovilla@colum.edu)

Charee Mosby-Holloway  
Director of Student Diversity & Inclusion  
618 S. Michigan, 4<sup>th</sup> Floor  
312.369.7994  
[cmosbyholloway@colum.edu](mailto:cmosbyholloway@colum.edu)

As a Confidential Advisors, Mr. Villa & Ms. Mosby-Holloway, have completed at least forty (40) hours of training on sexual violence. Each Confidential Advisor shall attend a minimum of six (6) hours of ongoing education training annually on issues related to sexual violence. Each Confidential Advisor shall also receive periodic training on the College's administrative processes, interim protective measures and accommodations, and complaint resolution procedures. Confidential Advisors may provide confidential services to and have privileged, confidential communications with Complainants reporting sexual violence in accordance with Section 8-804 of Illinois' Code of Civil Procedure.

On Campus Resources For Eligible Employees

Columbia Care ATC Clinic (Licensed Physicians & Nurses)  
600 S. Michigan, Suite 402  
800.993.8244  
By appointment or walk-in

**B. Reminders For Reporting To Confidential Employees Or Non-Professional Counselors & Advocates.** A Complainant who speaks to a Confidential Resource or a Non-Professional Counselor & Advocate should understand that, if the Complainant elects not to file a formal report with a Responsible Employee, the College may be limited in its efforts to investigate or to pursue disciplinary action against the alleged Respondent. Notwithstanding the above, these individuals can assist the Complainant in receiving other necessary protection and support, such as advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or courses schedules. A Complainant who at first speaks with a Confidential Resource or a Non-Professional Counselor & Advocate may later decide to file a Complaint with the College or to report the incident to local law enforcement. A Confidential Resource or Non-Professional Counselor & Advocate shall provide the Complainant with assistance in formally reporting if the Complainant selects this route. It's important to remember that while Confidential Resources and Non-Professional Counselors and Advocates will not share personally-identifying information with the Coordinator under this Policy, these employees may have reporting or other disclosure obligations in some circumstances under local, state, and/or federal law.

**C. The Role of Witnesses.** Witnesses to Sexual Harassment, including bystanders, shall report the details of the offending behavior to a Responsible Employee so that the College may properly intervene, investigate, and – where necessary – impose interim and/or permanent measures to protect the Complainant. The College understands that witnesses to Sexual Harassment may need support resources as well. Accordingly, such witnesses may seek confidential support from a Confidential Resource or a Non-professional Counselor & Advocate regarding how to address any effects from observing or otherwise becoming aware of such behavior. As explained previously, any retaliation against an individual who has reported Sexual Harassment is a violation of this Policy.

**D. On-Campus Resources For Respondents.** Respondents may also seek confidential support and assistance from the Confidential Resources listed in section IX(A)(3) above. The Coordinator and Confidential Resources shall help the Respondent in obtaining other on-campus support and assistance as requested.

**Section X. Off-Campus Resources For Assistance & Support.** The College encourages all Complainants to report the offending behavior to an employee or employee within one of three categories articulated in Section VII. Informing a College employee of such misconduct provides the College with an opportunity to promptly take remedial action and to investigate – if desired – so that the Complainant may have an academic experience free of any discrimination. The College can only address a specific situation if it is aware of it. That said, the College understands that some individuals may feel more comfortable speaking with an off-campus resource in lieu of or in addition to a College employee. The below Chicagoland organizations may offer support, assistance, and information to Complainants, witnesses, and others affected by Sexual Harassment. Some of these organizations may maintain confidentiality and not share information with the College or others unless the Complainant requests the disclosure and signs a consent or waiver form. Some of these groups may have reporting or other obligations under local, state, and/or federal law. One can contact the below directly for more information regarding offered services and applicable confidentiality policies.

YWCA Metropolitan Chicago  
1 N. LaSalle Street Suite 1150  
Chicago, IL 60602  
312.733.2102  
<https://ywcachicago.org/our-work/sexual-violence-support-services/>

Resilience (Formally RVA)  
180 N. Michigan Suite 600  
Chicago, IL 60601  
312.443.9603  
[www.ourresilience.org/](http://www.ourresilience.org/)

Center on Halstead  
3656 N. Halsted St  
Chicago, IL 60613  
773.472.6469  
<http://www.centeronhalsted.org/>

YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN affiliate) Call  
888.293.2080 in Chicago Metropolitan Area  
Call 630.971.3927 in DuPage County Call  
708.748.5672 in the South Suburbs  
<https://ywcachicago.org/our-work/sexual-violence-support-services/rape-crisis-hotline/>

The Coordinator and on-campus Confidential Resources, including Confidential Advisors, are available to assist Complainants with obtaining support from off-campus resources – e.g., making appointments or identifying appropriate sources of support. These individuals are also available to consult with Respondents to assist with arranging off-campus support.

#### **Section XI. The Confidentiality Of The College’s Investigation & Grievance Procedures.**

Complaints of Sexual Harassment to Responsible Employees at the College will be treated responsibly and in confidence to the extent feasible, given the need to conduct a thorough investigation and to take corrective action. Subject to federal and state privacy and/or disclosure laws, the College shall not share information related to a Complaint with individuals other than the parties involved or those with responsibilities under this Policy. In the event the College must disclose information to individuals other than those above, it shall provide the parties with proper notice and reasons for such disclosure.

The Coordinator reviews all requests for confidentiality beyond those disclosure or information-sharing rules articulated in this section XI, IX, XIV, or elsewhere in this Policy. The Coordinator shall make every effort to respect these requests and should examine such requests in the context of the College’s responsibility to provide a safe and nondiscriminatory environment for the Complainant and all students and employees. Among other factors, the College may weigh these additional confidentiality requests (including a Complainant’s stated preference that the College not investigate or pursue discipline at all) in the context of the following:

- The increased risk that the alleged Respondent will commit additional acts of Sexual Harassment, Sexual Misconduct, Sexual Violence, or other violence, such as:
  - Whether there have been other Sexual Harassment Complaints about the same Respondent
  - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence
  - Whether the Respondent threatened further Sexual Harassment, Sexual Misconduct, Sexual Violence, or other violence against the Complainant or others
  - Whether the Sexual Harassment was committed by multiple Respondents
- Whether the Sexual Harassment was perpetrated with a weapon
- Whether the Complainant is a minor

- Whether the College possesses other means to obtain relevant evidence of the Sexual Harassment (e.g. security cameras)
- Whether the Complainant’s report reveals a pattern of perpetration at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action, without extra confidentiality rules. If none of these factors is present, the College may respect the Complainant’s request for additional confidentiality.

Prior to starting an investigation, the College will inform the Complainant if, and to the extent, it cannot honor a request for additional confidentiality. In all cases, the College’s prohibition against retaliation, including steps to prevent retaliation and strong responsive actions if it occurs, shall apply. As articulated elsewhere in this Policy, the College shall tailor its interim remedial measures to the particular circumstances of each Complaint. For example, where the College cannot honor a Complainant’s request for extra confidentiality, it shall assist the Complainant in accessing other support (i.e. academic, counseling, disability, health, or mental services), provide appropriate security (i.e. issuing a non-contact order, helping arrange a change of living, academic, or working conditions), ensure that the Complainant is aware of the Complainant’s right to file with local law enforcement, and provide assistance in such reporting if necessary.

The College’s ability to fully respond to an incident, may be limited if a Complainant insists that the Complainant’s name or other identifying information not be disclosed to the Respondent or that the College not initiate a formal investigation or pursue disciplinary action against the Respondent. Under such circumstances, while the College may implement some interim remedial measures, it will necessarily be unable to explore those potential resolutions that involve the Respondent (i.e. no-contact orders or a change in the Respondent’s academic or employment arrangement). In the event the College does not accept a Complainant’s request that the College not disclose the Complainant’s name, the College will notify the Complainant before making such disclosure to the Respondent. If the College proceeds with an investigation despite the Complainant’s objection, the College shall – upon the Complainant’s request – inform the Respondent that the College, not the Complainant, decided to move forward. The College shall never require a Complainant to participate in any investigation or disciplinary proceeding. Complainants should be aware of a Respondent’s rights under the Family Educational Rights and Privacy Act (“FERPA”) to request to review information about the Sexual Harassment allegation if the information directly relates to the Respondent and the information is maintained by the College as an education record.

**Section XII. Notice & The College’s Obligation To Investigate.** Although Columbia encourages Complainants to promptly disclose inappropriate behavior to the College, the College may investigate and initiate informal or formal proceedings under this Policy in the absence of a Complaint from the Complainant. Notwithstanding the above, public awareness events such as, “Take Back The Night,” the Clothesline Project, candlelight vigils, protests, or survivor speak-out events are not considered notice to the College of Sexual Harassment for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ rights at these events.

**Section XIII. What Constitutes Sexual Harassment and Sexual Misconduct<sup>4</sup>**

**A. Sexual Harassment.**<sup>5</sup> Sexual harassment is any Unwelcome Conduct [defined in XIII(C)] of

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<sup>4</sup> This section is based, in part, on 29 CFR 1604.11.

<sup>5</sup> Such behavior may not constitute Sexual Harassment when engaged in for a valid academic purpose.

a sexual nature or that based on gender identity – perceived or actual – or gender stereotypes (“Gender”). It can occur by or between individuals of any – including the same – sex or gender. Sexual Harassment can also take place between individuals who have been or are currently in an intimate relationship, marriage, or other relationship of a romantic, social, or familial nature with each other. Examples of behavior that may constitute Sexual Harassment include, but are not limited to:

- Sexual Violence (defined below);
- Dating Violence [as defined in 34 U.S.C. 12291(a)(10)];
- Domestic Violence [as defined in 34 U.S.C. 12291(a)(8)];
- Stalking [as defined in 34 U.S.C. 12291(a)(30)]<sup>6</sup>;
- Sexual Exploitation (defined below);
- Requests or subtle pressure, overt or implied, for sexual favors;
- Abusive or threatening behavior of a sexual nature or based on Gender directed at a person;
- Remarks, jokes, comments, or observations of a sexual nature or based on Gender that demean or offend individuals;
- Gestures or other nonverbal behavior of a sexual nature or based on Gender that demean or offend individuals; and
- Display or distribution of offensive materials of a sexual nature or based on Gender.

*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 (e.g. due to a person’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give Consent) [as defined in XIII(F)]. A number of different acts fall into the category of Sexual Violence, including – without limitation – Sexual Abuse as defined in the Illinois Criminal Code, and Rape and Fondling as defined in the Uniform Crime Reporting Program.

- “*Sexual Abuse*<sup>7</sup>” means, “any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.”
- “*Rape*<sup>8</sup>” means, “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.”
- “*Fondling*<sup>9</sup>” means “the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.”

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<sup>6</sup> This Policy prohibits Dating Violence, Domestic Violence, and Stalking as such behavior is defined according to the above-referenced statutory provisions. The definitions provided below in this section for these terms are for convenience only and are subject to changes to the applicable laws.

<sup>7</sup> This definition is adopted from the Illinois Criminal Code (720 ILCS 5/11-9.1B).

<sup>8</sup> This definition is adopted from the FBI Uniform Crime Reporting Program.

<sup>9</sup> This definition is adopted from the FBI Uniform Crime Reporting Program.

*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.
  - c. The frequency of interaction between the persons involved in the relationship.

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

*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.

*Sexual Exploitation.* Sexual Exploitation occurs when an individual takes non-physical, non-consensual, sexual advantage of another for sexual gratification, financial gain, or other benefit for himself or a third party or parties. Examples of sexual exploitation include but are not limited to the following: nonconsensual recording or observation of individuals engaging in sexual acts or undressing, knowingly sharing these recordings without the consent of the parties, streaming of pornography to or in the presence of others without consent, prostitution, nonconsensual exposure of one's genitals to another, bullying when based on sex, inducing incapacitation in another for the purpose of engaging in any behavior prohibited by the Policy, and knowingly transmitting STIs.

**B. Sexual Misconduct.** Sexual Misconduct is Sexual Harassment [defined in section XIII(A)] where:

- (1) Submission to such harassment is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in other College activities; *or*
- (2) Submission to or rejection of such harassment by an individual is used as the basis for a decision affecting that person's employment, education, or participation in other College activities<sup>10</sup>; *or*
- (3) Such harassment creates a hostile environment [defined in XIII(D)].

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<sup>10</sup> XIII(B)(1) and XIII(B)(2) constitute "Quid Pro Quo Sexual Harassment"

**C. Consent and Unwelcome Conduct.**<sup>11</sup> Any behavior where all parties involved have not provided Consent constitutes Unwelcome Conduct and is Non-Consensual. Consent is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity.<sup>12</sup> Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. An individual's decision to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn by an individual at any time. Being intoxicated or otherwise impaired due to drugs and/or alcohol does not diminish one's responsibility to obtain Consent.

*Incapacity:* In some situations, the College may determine an individual to be incapable of giving Consent to sexual activity due to the circumstances, his or her age, or the behavior of another. Such situations may include, but are not limited to: incompetence, impairment from alcohol and/or drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment. Despite anything to the contrary, where a person is incapable of giving Consent, conduct of a sexual nature or gender is a violation of this Policy, provided that the Respondent knew or reasonably should have known of the person's incapacity.<sup>13</sup>

**D. Sexual Harassment That Creates A Hostile Environment.** Sexual Harassment creates a hostile environment if, considering the totality of the circumstances, the conduct is sufficiently serious that it interferes with or limits an individual's ability to participate in or benefit from the school's programs, employment, or other activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of Sexual Harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single incident of rape is sufficiently severe to create a hostile environment. The College evaluates the conduct from both a subjective and objective perspective. Among other factors, the College considers the following when determining whether alleged Sexual Harassment creates a hostile environment:

- The degree to which the conduct affected one or more students' education or individuals' employment;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment;
- The number of individuals involved;
- The age and sex of the alleged harasser and the subject or subjects of the harassment;
- The location of the incidents and context in which they occurred;

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<sup>11</sup> Definition adopted from Emory University's "Policy 8.2: Sexual Misconduct, Updated May 27, 2014."

<sup>12</sup> The Policy's definition of Consent is consistent with that in the Illinois Criminal Code for Major Sexual Offenses. Under 720 ILCS 5/11-1.70, "Consent" means, "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent."

<sup>13</sup> An exception exists where the Respondent did not know of the victim's impairment and could not have been expected to have known about such impairment, but the behavior nonetheless still violates Illinois Criminal Law (i.e. strict liability crimes). Such violations when of a sexual nature or gender-based constitute a violation of this Policy.

- Other incidents at the College; and
- Incidents of gender-based, but nonsexual harassment.

**E. Quid Pro Quo Sexual Harassment.** Making the submission or rejection to harassment a term or condition of an individual's employment, education, or activity participation, or the basis of a decision affecting such activities, as articulated in XIII(B)(1) and XIII(B)(2) above, constitutes Quid Pro Quo Sexual Harassment and is prohibited Sexual Misconduct under this Policy. Examples of Quid Pro Quo Sexual Harassment include, but are not limited to:

- Asking for or requiring sexual favors in exchange for a passing grade in a class, a promotion, or pay raise; and
- Modifying one's employment or academic arrangements due to the termination of a consensual relationship or when an individual refuses sexual advances, or invitations for a date.

## **Section XIV. Sexual Misconduct Grievance Procedures**

### **A. Generally Applicable Information**

**1. Timeline For Investigation, Adjudication, and Appeals.** The College designed its grievance procedures to investigate a matter, hold a hearing (if need be), and to render a determination within 60 calendar days upon notice of an incident of Sexual Misconduct and then to provide an opportunity for appeal. However, due to the College's academic calendar and other limitations, some investigations may take longer than the aforementioned period. Complaints submitted towards the end of a semester or during a break might take longer to resolve. The timeframes expressed in this policy are guidelines rather than inflexible requirements. Columbia will give notice to both parties when it needs to modify any of its procedures. Such notice shall include the reason for the timeline or procedural modification. Either party may request a deadline extension for good cause, and the College will grant or reject such requests in its sole discretion.

**2. Conflicts.** The Coordinator shall select the investigator, hearing panelists, and appeals officer for each investigation from a pool of College employees specifically trained to serve in those roles. If any administrator, including the Coordinator, tasked with a responsibility under this Policy is the Respondent or Complainant, or the College determines in its sole discretion that any administrator has a material and actual conflict of interest due to a preexisting relationship with any of the aforementioned individuals or due to material bias, the College will appoint a replacement. In the event the Complainant or Respondent believes that the Coordinator is conflicted, the Complainant or Respondent, as appropriate, should inform the Associate Vice President of Human Resources as soon as reasonably feasible after initiating or receiving notice of the Complaint – no later than before the Coordinator renders a threshold determination regarding whether the Complaint is Actionable, as described below in Section XIV(C)(1). The Respondent or Complainant shall inform the Coordinator of any perceived conflicts with the investigator, hearing panelists, or appeals officer within three (3) days after receiving notice of such assignments.

**3. Notices.** Except as otherwise specifically provided herein, all notices or communications due under this Policy shall be in writing and mailed or emailed to the respective addresses set forth in this Policy or provided in person to the required individual or over the phone directly to the required individual. Neither leaving a message with an individual other than the required administrator nor recording a voicemail shall constitute notice. Written notice shall be deemed given on the date of its receipt by the College.

**4. Individuals with Disabilities.** Columbia will endeavor to provide the appropriate accommodations to ensure that individuals with disabilities may participate fully in the steps outlined in these grievance procedures. Individuals with disabilities who need assistance in reporting misconduct under this Policy may contact the below offices:

Services for Students with Disabilities (For Students).....312.369.8296

Office of Human Resources (For Faculty & Staff).....312.369.7468

**5. International Students & Undocumented Students.** This Policy protects all Columbia students regardless of national origin, immigration status, or citizenship status. Individuals for whom English is not their first language may contact Clare R. Lake or Melissa Casanova for assistance in reporting. Please contact Mr. Lake for information about the U nonimmigrant status, T nonimmigrant status, and possible visa issues relating to Sexual Misconduct (e.g., the requirement to maintain a full-time course load).

Clare R. Lake  
Director, International Student and Scholar Services  
Global Education  
600 S. Michigan Ave., Suite 700  
312-369-7246

Melissa Casanova  
Coordinator of Events and Education  
Student Diversity & Inclusion  
618 S. Michigan, 4<sup>th</sup> Floor  
312.369.8594

**6. Request To Withdraw A Complaint.** Under this Policy, the College may be obligated to continue to investigate an allegation of Sexual Misconduct even when the Complainant requests that the College cease its investigation. However, in some cases, there are steps that Columbia can take to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include, but are not limited to, providing supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the College's policies on sexual violence; and conducting climate surveys regarding Sexual Misconduct.

**7. Interim Measures.** Upon Notice of a Complaint, the Coordinator (or Non-Professional Counselors & Advocates or Confidential Resources if the Complainant does not report to the Coordinator or a Responsible Employee) shall take appropriate, reasonably available interim measures – in consultation with the Complainant or at the Complainant's request – to limit retaliation against the Complainant, to prevent renewed conflict during the course of the investigation, and to otherwise protect the Complainant and the Community. The College shall take such action even where the Complainant does not report the misconduct to local law enforcement or to campus security. These temporary remedial actions may include, but are not limited to:

- On-campus counseling;
- Course-related adjustments (such as extensions of deadlines, changes in course schedules, tutoring, or alternative course completion options) with the consultation of appropriate faculty members;

- Extracurricular accommodations;
- Modifications of work or class schedules;
- Assisting with the party's transportation to and from classes or work (to the extent practicable on Columbia's campus);
- Mutual, temporary restrictions on contact between the parties (such as a no-contact order) and honoring an order of protection or no-contact order entered by a state, civil, or criminal court;
- Temporary changes in work, dining, or housing arrangements (if a party is a student and lives in Residence Life); and
- Leaves of absence (consistent with applicable law and College policies and agreements).

The Coordinator shall also offer and make available appropriate interim measures to the Respondent. During the investigation, the Coordinator shall periodically assess the efficacy of these steps and provide modifications as needed. The College shall endeavor to take such interim steps in a manner that preserves confidentiality to the extent desired and to the extent that maintaining such confidentiality would not impair the ability of the institution to provide such remedial measures. Non-Professional Counselors & Advocates and, to a greater extent, Confidential Resources may be limited in the interim measures that they can provide.

In addition to party-specific steps, the College may also consider broad remedial action to protect the community, including but not limited to: increased monitoring, supervision or security at certain locations, increasing education and prevention efforts, conducting climate assessments, and revisiting its policies and practices.

**8. Investigation Delays Due To Law Enforcement Requests.** Upon request by law enforcement, the College may elect to delay its investigation until after the police or other governmental investigatory body has completed the first stages of its fact-gathering. During such a delay, the College will continue to implement interim remedial measures and to communicate with the Complainant and Respondent regarding their rights under this Policy. When law enforcement has completed this initial step, the College will promptly resume its own investigation.

**9. Multiple Respondents and/or Similar Complaints.** Where the Complainant alleges misconduct against multiple individuals, and the allegations contain a common set of facts, the Coordinator shall decide, in the Coordinator's sole discretion, whether to hold separate or combined investigations. Where multiple Complainants make complaints involving a common set of facts against the same Respondent or Respondents, the Coordinator may elect to process the complaints individually or consolidate the complaints into one or multiple investigations.

**10. Support Person.** Each party may bring one individual for support at any meeting, proceeding, or hearing under this Policy. Such individual may be, but is not required to be, an attorney. Except for sitting next to and quietly conferring with the party, and requesting a recess, this person shall not participate in any meeting or Hearing; this means that each party must personally respond to any questions posed by the Coordinator, Investigator, or the Hearing Panel. The Coordinator, in the Coordinator's sole discretion, may remove a support person who is not abiding by these rules or is creating a disruption.

**11. Court Orders.** The College shall abide by any and all orders of protection, no-contact orders, restraining orders, or similarly lawful orders issued by a court of appropriate jurisdiction and authority.

**12. Training.** All College employees whose duties include resolution of complaints under this Policy shall receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, domestic violence, dating violence, stalking and their responsibilities under this Policy in addition to other College training required by federal, state, or local law.

## **B. Reporting Sexual Misconduct.**

**1. Contacting a Responsible Employee.** As explained in Section IX, Complainants have three options for assistance and support within the College. However, individuals who would like to initiate these Grievance Procedures shall notify a Responsible Employee. Notice to Responsible Employees constitutes notice to the College and serves as a formal complaint under the Grievance Procedures. Upon receipt of a complaint, a Responsible Employee shall promptly provide all relevant information regarding the alleged misconduct (including, if known, the name of the Respondent, the name of the student alleging the misconduct, the name of other students involved, and pertinent facts such as date, time, and location) to the Coordinator. As explained previously, witnesses to Sexual Misconduct shall formally report to a Responsible Employee and may also seek confidential support. A witness report may initiate these Grievance Procedures.

**2. How To Report to a Responsible Employee.** An individual may submit a formal complaint to a Responsible Employee in writing, over the phone, or in person. A complaint should be as specific as possible, providing the name of the Complainant; the name of the Respondent; a chronology of the relevant events, detailing dates, places, and times; a description of the offending behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior. In the absence of a written complaint, the Responsible Employee receiving an individual's testimony shall thoroughly document all relevant facts and circumstances and pass this document on with notice of the claim to the Coordinator.

Individuals should report as much information as they can initially but know that they may later add to or otherwise modify a complaint.

**3. Anonymous Reporting.** Individuals may make anonymous complaints by completing and submitting the online form available at [www.colum.ethicspoint.com](http://www.colum.ethicspoint.com). However, depending on the extent of information available about the incident, the College's ability to respond to such complaints may be limited.

**4. When To Report.** Individuals may report Sexual Misconduct to the College at any time. However, the College encourages witnesses and Complainants – who elect to report – to report offending conduct under this Policy to the College as expeditiously as possible in order to provide the College with the best opportunity to properly address the behavior and to provide a remedy. The College's investigatory and remedial options may be limited when it receives a complaint a significant period of time after the occurrence of the alleged misconduct.

**5. What To Expect When Reporting.** The College realizes that it may be especially difficult for a Complainant or witness to come forward. Accordingly, to the extent practicable, the College's Responsible Employees shall endeavor to provide a supportive environment where Complainants and witnesses are comfortable reporting alleged misconduct. Before a Complainant reveals information that the Complainant may wish to keep as confidential, a Responsible Employee should make reasonable efforts to ensure that the Complainant understands: (1) the employee's obligation to report the names of the Respondent and Complainant involved in the alleged Sexual Misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Coordinator, (2) the Complainant's option to request that the College maintain the Complainant's confidentiality or not

pursue a formal investigation, which the Coordinator will consider, and (3) the Complainant's ability to share the information confidentially with other resources. For purposes of clarification, Responsible Employees shall also comply with any other applicable confidentiality requirements, as articulated in Section IX and XI.

**6. Encouragement of Dual Reporting With Local Law Enforcement.** The College encourages, but does not require, those Complainants who elect to formally report to the College to also notify local law enforcement. Under some circumstances, Sexual Misconduct may violate both college policy and criminal law. The College may proceed with an internal investigation under this policy simultaneously with a criminal investigation. While criminal investigations may facilitate fact-finding, the outcome of a criminal proceeding may not be indicative of whether alleged misconduct violates this policy. The Coordinator, Non-professional Counselors & Advocates, and Confidential Resources, including Confidential Advisors, are available to assist Complainants with reporting to local law enforcement. The Chicago Police Department's 1<sup>st</sup> District central station is located at 1718 South State Street, Chicago, IL 60616. The 1<sup>st</sup> District is available by email at CAPS001District@chicagopolice.org and by phone at (312) 745-4290.

### **C. Investigating Sexual Misconduct**

**1. Initial Stage.** Upon receipt of notice of alleged Sexual Misconduct by a witness or Complainant or upon observing such behavior, a Responsible Employee – excluding a Confidential Resource or Non-professional Counselor & Advocate – shall promptly provide all relevant information concerning the alleged misconduct to the Coordinator. If the reporting party is someone other than the Complainant, the Coordinator shall endeavor to promptly contact the Complainant – if the Complainant's identity is known – and inform the Complainant of the Complainant's rights under this Policy, including but not limited to the right to participate in the investigation, to request confidentiality, and to ask the College not to pursue the Complaint. The Coordinator shall provide the Complainant with a concise synopsis written in plain English of the Complainant's rights and options under this Policy (within 12 hours after receiving an electronic report of Sexual Misconduct). The Complainant may make a request for confidentiality or that the College not pursue the misconduct at any time. The Coordinator shall rule on all such requests in a prompt manner consistent with sections IX and XI.

As soon as practicable after a Complainant makes a Complaint, the Coordinator shall determine whether the Complaint alleges facts that, if true, constitute an actual violation of this policy (is "Actionable"). If the Complaint is Actionable, the Coordinator shall assign this matter to a neutral investigator ("Investigator") and serve the Complainant and Respondent with written notification that an Actionable claim has been filed, a description of the type of Sexual Misconduct alleged (the "Charge"), and the Investigator's name. The Coordinator will dismiss factually insufficient complaints with a notice to both parties, including the type of Sexual Misconduct alleged and the reason(s) why the allegation is not Actionable.

If an individual other than the Complainant files the report, the Complainant does not issue a Complaint or otherwise does not want the College to pursue this matter, and the College elects to investigate nonetheless, the Coordinator shall assign this matter to an Investigator and serve the Complainant and the Respondent with the Charge and the Investigator's name. In these scenarios, the College shall serve as the Complainant, the Coordinator shall endeavor to include the Complainant in the process where appropriate, and follow the below steps to the extent practicable.

**2. Preliminary Meeting & Informal Resolution Option.** After issuing a Charge, the Coordinator shall meet separately with the Complainant and the Respondent to apprise both parties of

their rights under this Policy and to address questions related to these Grievance Procedures. The Coordinator shall also provide both parties with notice of the types of information that likely will be disclosed during the investigation, the recipients of this information, and the reasons for any disclosures. During this meeting, either party may request that the College devise a plan to resolve this matter informally without a full investigation and adjudication.

The College will initiate informal measures (which may, without limitation, include mediation and restorative justice) only when: (A) one party requests this approach in writing, (B) the other party consents in writing, and (C) the Coordinator determines, in the Coordinator's sole discretion, that the College has adequate information regarding the scope of the alleged misconduct and that an informal resolution will enable the College to promptly and equitably address the Complaint. The informal resolution process is completely voluntary. The Coordinator may postpone deciding the suitability of the informal approach until the below fact gathering is complete. During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended. The Coordinator or any party (upon notice to the Coordinator) may end the informal process at any time, provided the informal resolution process shall not exceed twenty-one (21) days. Termination of this process will reconvene the formal investigation and hearing procedures.

Agreed-upon resolutions reached through the informal resolution process may include – without limitation – educational programs or training, making permanent an interim measure or measures listed in section XIV(A)(7), or disciplinary sanctions (such as suspension and expulsion).

**3. Fact Gathering and Procedural Equality.** Unless the parties are presently proceeding with an informal approach, the assigned Investigator will broadly examine all relevant facts and circumstances of a claim. The Investigator will meet with the parties, identify and interview witnesses, and visit relevant locations. As soon as practicable after beginning an investigation, the Investigator shall meet with each party individually to schedule a timeframe for submitting relevant evidence and identifying witnesses. Submission deadlines and other restrictions on the presentation of evidence shall apply equally to both parties. Each party will be given a copy of the opposing party's submissions and a standard amount of time to issue a response. The Investigator will endeavor to never hold a meeting with one party without subsequently holding a substantially similar meeting with the other party. During the fact gathering stage, the Coordinator shall provide the Complainant and Respondent with periodic updates of the status of the investigation.

**4. The Investigation Report.** After inquiry into the alleged misconduct, the Investigator shall submit a report of the Investigator's findings (the "Investigation Report") to the Coordinator. The Investigation Report should include a summary of the issues presented and a detailed explanation of factual findings. The Investigator shall neither make any credibility assessments nor assign responsibility.

**5. The Investigation Report Review & Merit Determination.** The Coordinator will review the Investigation Report and determine whether a reasonable Hearing Panel could conclude that, by a preponderance of the evidence (a "more likely than not" standard), the Respondent committed the alleged Sexual Misconduct. If the evidence is inadequate to sustain such a finding, the Coordinator will dismiss the charge with written notice to both parties. If the Coordinator determines that the Hearing Panel could reasonably find a violation of this Policy under that evidentiary standard, the Coordinator shall provide a "Notice of Hearing" letter to both parties with the determination and a synopsis of the evidentiary support.

**6. Admission.** Within five (5) days of receiving the Notice of Hearing letter, the Respondent may notify the Coordinator that the Respondent accepts responsibility for the alleged misconduct or rejects the finding. If the Respondent accepts responsibility, the Coordinator will, in consultation with the Dean of Students [as explained in section XIV(D)(7)], impose sanctions and/or remedies and provide notice as required under XIV(D)(8). The Respondent may appeal the sanctions under section XIV(E)(2).

#### **D. The Hearing.**

**1. When Convened.** If the Coordinator issues a Notice of Hearing and the Respondent rejects the Charge, the Coordinator shall arrange for a hearing to conclude whether the Respondent is responsible for the alleged Sexual Misconduct. Within five days after issuance of the Notice of Hearing Letter, the Coordinator will inform the parties of the campus location, date, and time of the Hearing, and the Hearing Panel's composition. Unless the parties agree to an expedited schedule, the Coordinator shall provide at least fifteen (15) days' notice before the hearing date. A party shall promptly inform the Coordinator of any conflict on the scheduled date; the Coordinator may propose an alternative hearing date but is not obligated to do so.

**2. Hearing Panel Composition.** The Hearing Panel consists of a lead Hearing officer (the "Lead") and two Hearing officers. The Lead and each of the Hearing Officers shall be College employees or other individuals trained to perform these roles.

**3. Pre-Hearing Review of Documents.** Subject to restrictions imposed by federal and state privacy laws, each party shall be able to review all investigation materials at least ten (10) days before the Hearing. The investigation materials may include but are not limited to: the Investigation Report, witness statements, and other documentation. The Coordinator, in the Coordinator's sole discretion, may redact portions of this material that the Coordinator believes are unduly prejudicial (compared to its probative value), immaterial, irrelevant, or are the Investigator's opinion.

**4. Witnesses.** The Hearing Panel will determine which witnesses to examine during the Hearing. A Party may request that the Panel question a particular individual by providing the following information regarding that individual to the Lead at least five (5) days before the Hearing:  
(a) name, (b) a synopsis of what that individual witnessed or the circumstance to which that person could speak, and (c) the witness' usefulness at the Hearing.

#### **5. General Hearing Rules.**

- The Lead shall endeavor to conduct the hearing in an orderly, non-adversarial manner; the Lead will explain the Charge(s), articulate the Hearing procedures, call and lead the examination of all witnesses and parties, and determine when to take a recess or adjourn.
- The Panel shall endeavor to conduct the Hearing in a manner that does not inflict trauma on either party.
- Only the hearing officers may ask questions of either party or a party's witnesses.
- To the extent feasible, the Lead will give both parties substantially similar access to all hearing documents and opportunities to present evidence.
- Federal or state rules of evidence do not apply; the Lead, in the Lead's sole discretion, shall rule on the admissibility of all evidence and testimony. The Lead shall consider the relevance and possible prejudicial effect of proffered material.
- A party may not directly question the other party or any witness. However, before the hearing or

during a recess, the parties shall be able to submit proposed questions or comments to the Lead. The Panel, in its sole discretion, may ask those submitted questions that it deems appropriate and relevant.

- The Lead may request that Columbia students, staff, and faculty members give relevant testimony at the Hearing. If a non-party individual cannot attend, the Lead may – in the Lead’s sole discretion – allow that individual to submit a written statement.
- Upon request, the College shall allow either party to testify, otherwise participate, or appear at the Hearing in a different room than the other party. To that end, the College may use Skype, Zoom, or other means.
- Hearings are not open to the public. Only the parties, the Coordinator, each party’s support person, the Hearing Panel, witnesses, and certain College employees as determined by the Coordinator may attend. Witnesses may only be present in the Hearing Room for their own testimony.
- Questioning about the Complainant’s sexual history with anyone other than the Respondent is prohibited.
- Except during recesses or periods when the Panel breaks to convene or deliberate in private, the parties and their support persons are entitled to attend the entire hearing, if they so desire.
- Parties and witnesses should answer questions to the best of their knowledge. Knowingly providing false information is a violation of this Policy and may result in discipline.
- The College strongly encourages both parties to attend the hearing. If one party elects not to participate, the Hearing will proceed without that party, and the absent party will be unable to submit additional evidence for the Hearing Panel’s review.

**6. Evidentiary Standard & Determination.** The Hearing Panel shall examine all evidence received through the course of the investigation and hearing, and determine whether it is more likely than not that the Respondent engaged in the misconduct alleged (a “preponderance of the evidence” standard). Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of Sexual Misconduct. Within five days of the Hearing’s conclusion, the Hearing Panel shall submit a written report of its determination and rationale to the Coordinator.

**7. Sanctions & Remedies.** If the Panel finds a violation of this Policy, the Coordinator shall forward the aforementioned panel report to the Office of the Dean of Students for a determination of the appropriate sanctions or other remedies. Sanctions include: mandatory apologies, verbal reprimands, written warnings, behavioral contracts, loss of privileges, required College service or participation, restitution, learning activities, change of residence, probation, restricted access, suspension, and expulsion. Additionally, at its discretion, the College may provide permanent remedies or other accommodations for the Complainant or other members of the community, including but not limited to:

- Making permanent those steps that were administered on an interim basis;
- Providing comprehensive, holistic victim services including on-campus health center, on-campus counseling, and academic support services, such as tutoring;
- Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- Reviewing any past disciplinary action against the Complainant to evaluate whether there was a causal connection between the Respondent’s Sexual Misconduct and the misconduct that resulted in the College disciplining the Complainant; and
- The Provision of additional education and/or support services for the entire Community.

The College will take such action to prevent the recurrence of the Sexual Misconduct and to address any discriminatory effects on the Complainant and others. When determining sanctions or remedies, the Office of the Dean of Students may consider aggravating and mitigating factors, including but not limited to: (a) whether the Respondent has engaged in Sexual Misconduct in the past, (b) the nature of such past violations, if any, (c) the extent to which the conduct at issue here was premeditated, (d) the impact of the behavior on Complainant and/or the Columbia community, (e) whether the Respondent is apologetic or has otherwise accepted responsibility, (f) deterrence considerations, (g) the probability that Respondent will engage in another violation of a College policy, and (h) Respondent's involvement in the Columbia community.

**8. Simultaneous Written Notice of the Outcome & Sanctions.** Within seven (7) days of the Hearing's Conclusion, the Coordinator shall provide both parties with simultaneous written notice of: (1) the Panel's decision regarding whether or not the alleged misconduct occurred, (2) the rationale for such decision, and (3) the process and applicable deadlines for submitting an appeal, including the name of the Appeals Officer. In this notice to the Respondent, the Coordinator shall also inform the Respondent of any sanctions imposed against the Respondent and the rationale for such sanctions. In the notice to the Complainant, the Coordinator shall additionally disclose any offered remedies or accommodations for the Complainant, and any sanctions imposed on the Respondent that relate directly to the Complainant and the reasons for such sanctions (all sanctions and the rationale for such sanctions, as required by the Clery Act, if the Sexual Misconduct is Sexual Violence), and any other steps that the College has taken or will take to eliminate the hostile environment, if the College finds one to exist, and to prevent its recurrence. The College will not inform the Respondent of the individual remedies or accommodations that it is providing to the Complainant. The College will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceedings.

## **E. The Appeal.**

**1. Post Hearing Appeal Rights.** Either party may send a written appeal to the Coordinator within ten (10) days of receiving formal notice of the Hearing Panel's decision. To constitute a valid appeal, the appeal must assert at least one of the three following grounds: (1) the College's investigation did not comply with this Policy and this failure resulted in a decision adverse to the appealing party, (2) there is previously unavailable evidence that could have significantly impacted the outcome of this complaint, or (3) the sanctions are disproportionate to the misconduct. A party shall submit a clear and detailed explanation of the basis for the appeal with any available documentation. The appeal must be limited to the scope of the initial charge.

If the Coordinator determines that the appeal is valid, the Coordinator will serve the opposing party with a copy and – with notice to both parties – assign the appeal to an Appeals Officer. The opposing party may issue a formal response within ten (10) days of receiving a copy of the appeal. Upon the expiration of this ten-day window or receipt of the opposing party's response, the Appeals Officer will then have seven (7) days to consult with the Coordinator and issue a final decision to the parties – either upholding the finding and sanctions or imposing a revision to such orders. The Appeals Officer may implement a procedural remedy, including but not limited to remanding for a new hearing. The Appeals Officer, in the Appeals Officer's sole discretion, may provide both parties with an opportunity to speak to the merits of the appeal in person, through video-conference, or over the phone. This Appeals Officer shall render a decision on the appeal, with simultaneous, written notice to both parties. This decision binds both parties and is not subject to subsequent appeal by either party.

**2. Appeals Under Section XIV(C)(6).** After accepting responsibility for a Charge, as

articulated in section XIV(C)(6), a party shall have ten (10) days to submit a written appeal after receiving notice of any imposed sanctions. Section XIV(C)(6) appeals are limited to the grounds that the imposed sanctions are grossly disproportionate to the violation. All other timelines and procedures are identical to those in the above section.

**Section XV. Policy Review & Modification.** The College reserves the right to modify or amend this Policy at any time. Any modifications shall not be retroactively applied to any pending investigations.