



Sex¹ Discrimination Policy for System Offices

Policy Information

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

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

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¹ Under the new Title IX regulations, sex discrimination is defined as conduct that involves treating someone unfavorably or unfairly because of their sex, which includes sex characteristics, sex stereotypes, Gender Identity, Sexual Orientation, and pregnancy or related conditions. This encompasses a range of behaviors and situations, including Sex-Based Harassment that includes Quid Pro Quo harassment, Hostile Environment harassment and specific offenses such as Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

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Part A: General Policy Provisions

Section 1. Purpose, Discrimination Prohibition, and Scope

A. Purpose

- To foster an educational and workplace environment free from Sex Discrimination;
- To direct reporting of alleged violations of this policy; and,
- To provide appropriate corrective action when violations of this policy occur.

B. Sex Discrimination is Prohibited

The University of Illinois System Offices (“System Offices”) are committed to providing and preserving an educational and work environment free from all forms of Sex Discrimination. The System Offices prohibit and do not tolerate Sex Discrimination, which includes Sexual Harassment and other Sex-Based Misconduct.

To prevent Sex Discrimination, the System Offices ensure access to equitable educational opportunities, work environments, and program participation across the University of Illinois System. No one is, on the basis of sex, sex characteristics, sex stereotypes, actual or perceived Sexual Orientation, pregnancy or pregnancy-related conditions, or Gender Identity, excluded from participation in, denied the benefits of, or subjected to discrimination under any University of Illinois System Education Program or Activity.

C. Consent

This policy applies:

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

Allegations of Sex Discrimination against Respondent(s) who are students or employees of the universities or the university hospital may be resolved in accordance with the relevant university’s (University of Illinois Urbana-Champaign, University of Illinois Chicago, or the University of Illinois Springfield) Sex Discrimination procedures. After coordination with the appropriate university Title IX Coordinator or designee, the System Offices Title IX Coordinator will inform

the Complainant or reporting party which Sex Discrimination procedures apply.

D. Record Keeping

The System Offices must maintain for a period of at least seven years:

1. For each Complaint of Sex Discrimination, records documenting the Informal Resolution Process or the grievance procedures and the resulting outcome.
2. For each notification the System Offices Title IX Coordinator receives information about conduct that reasonably may constitute Sex Discrimination under Title IX or this policy, records documenting the actions the System Offices took to meet its obligations to respond to Sex Discrimination.
3. All materials used to provide training to employees. The System Offices must make these training materials available upon request for inspection by members of the public.

Section 2. System Offices Title IX Coordinator

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

For additional information regarding the application of Title IX and its implementing regulations to System Offices, as well as university-specific policies and procedures that prohibit Sex Discrimination in all its forms, please contact the System Offices Title IX Coordinator listed below or the Assistant Secretary of Civil Rights for the U.S. Department of Education, or both. Any person may report Sex Discrimination (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, electronic submission through the System Human Resources Services website at [SO Complaint Form \(uillinois.edu\)](#), or by email using the contact information below.

For the System Offices, Anthony Binion, Associate Director & System Offices Title IX Coordinator, 807 S. Wright Street, 446 IUB, Champaign, IL 61820, (217) 244-6292, systemofficetitleIX@uillinois.edu. Please visit the [System Offices Title IX Information website](#) for more information, including the System Offices Policy and Grievance Procedures, and how to report an incident. Individuals may report a violation of this policy regardless of where the incident occurred.

Inquiries about the application of Title IX may also be sent to:

Assistant Secretary for Civil Rights
Office for Civil Rights, National Headquarters
U.S. Department of Education
Lyndon Baines Johnson Dept. of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

For more information from the U.S. Department of Education regarding filing a Complaint of discrimination with the Office for Civil Rights, please visit the [Office for Civil Rights website](#).

Section 3. Definitions

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

Section 4. Awareness, Education, and Counseling

A. Dissemination of the Sex Discrimination Policy

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

B. Education, Awareness, and Prevention Programs

Consistent with applicable federal and state law, the System Offices provide an annual training on the Clery Act and Title IX, focused on Sex-Based Discrimination including Harassment Prevention, to all System Offices employees.

C. Confidential Advisors

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

D. Counseling Services

System Offices employees requesting counseling services are provided information on accessing services available through the State of Illinois and university [Employee Assistance Program](#) or through other resource providers.

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

Section 5. Alleged Violations of this Policy

A. Reporting Options

The following individuals may report Sex Discrimination: a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination and who was participating or attempting to participate in the University's education program or activity at the time of the alleged Sex Discrimination. Reports can be submitted using the [online reporting form](#), or in person, by mail, by telephone, or by email using

the contact information listed for the System Offices Title IX Coordinator in Section 2, or by any other means that results in the System Offices Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours). Reports may be submitted either confidentially, to the extent permitted by law, or anonymously.

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

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

B. Responsible Employee Reporting Requirements

In order for the System Offices to respond effectively and proactively to prevent Sex Discrimination, all System Offices Responsible Employees must report any² suspected Sex Discrimination, including Sexual Harassment and Sexual Misconduct, when they become aware of it to the System Offices Title IX Coordinator. Reports should be made as soon as possible, normally no later than 24 hours after becoming aware of the information. For a more complete discussion of Responsible Employee duties and responsibilities, see Appendix D. Responsible Employees who witness or learn about alleged Sex Discrimination and who fail to report such conduct in a timely manner may be subject to disciplinary action, up to and including termination of employment.

C. Supportive Measures

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

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

² Responsible Employees are not required to report disclosures made in connection with public awareness events when individuals do not intend to make a disclosure such as "Take Back the Night," candlelight vigils, protests, town hall meetings, survivor speak-outs, etc. However, in all cases the System Offices must use this information to inform its efforts to prevent Sex-Based Harassment, including by providing tailored training to address alleged Sex-Based Harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of Sex-Based Harassment. Nothing in Title IX or this policy requires the System Offices Title IX Coordinator or any other employee to attend such public awareness events.

D. Emergency Removal

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

E. Administrative Leave

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

F. Confidentiality

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

The System Offices takes reasonable steps to prevent and address parties' unauthorized disclosure of information and evidence obtained solely through the grievance process. Personally identifiable information obtained while complying with Title IX will not be disclosed without prior written Consent. Disclosure of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination are authorized.

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

Section 6. Employees with Grievance Rights

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

For State Universities Civil Service System employees found to have violated this policy and subject to the responsible administrator's recommendation that disciplinary action be taken, the employee is covered by, "AN ACT TO CREATE THE STATE UNIVERSITIES CIVIL

SERVICE SYSTEM” which specifies that “...no employee shall be demoted, removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense...” before an Advisory Committee of the Merit Board. Please contact System Human Resource Services for additional information and assistance.

Section 7. Conflicts of Interest

Persons conducting functions pursuant to this policy, including but not limited to the System Offices Title IX Coordinator, Investigators, Decision Makers, or anyone designated to facilitate an Informal Resolution process (see Appendix G), must be free from conflicts of interest and bias for or against any Complainant and/or Respondent. The Decision Maker may be the same person as the System Offices Title IX Coordinator or Investigator except where a University policy designates otherwise.

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

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

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

Section 8. Truthful Information: Retaliation Prohibited

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

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

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

Section 9. Filing Complaints with External Agencies

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

Part B: Comprehensive Policy and Procedures for Resolving Complaints of Sex Discrimination

Section 1. Overview

Those who believe they have been subjected to a violation of the Sex Discrimination Policy have the right to choose to report or not report incidents of Sex Discrimination to System Offices officials, on-campus or local law enforcement, and/or confidential services, separately or simultaneously. A report may be made to the local police department; the appropriate University Police Department; the System Offices or campus Title IX Coordinator; Dean of Students; Counseling Center; or local and national crisis centers. Reporting may be anonymous, confidential, or made by a third party.

Anonymous reporting may limit the System Offices or university's ability to investigate (e.g., if the Respondent cannot be identified).

Section 2. Responsible Employee/Mandatory Reporter

Employees who are not Confidential Advisors or Confidential Employees must notify the System Offices Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination. Responsible Employees/Mandatory Reporters may report using the steps outlined in this policy.

Confidential Advisors and Confidential Employees must explain their status as confidential for purposes of this policy and procedures, including circumstances in which the employee is not required to notify the System Offices Title IX Coordinator about conduct that may reasonably constitute Sex Discrimination to any person who informs them of such conduct. Confidential Advisors and Confidential Employees must also explain how to contact the System Offices Title IX Coordinator and how to make a complaint of Sex Discrimination and that the System Offices Title IX Coordinator may be able to offer and coordinate supportive measures, as well as institute an Informal Resolution process or an investigation under the grievance procedures.

Section 3. Consent

For the purpose of the University's Comprehensive Policy and Procedure on Sex Discrimination, Including Harassment, consent is defined as follows:

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

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

1. The person is incapacitated due to the use or influence of alcohol or drugs;
2. The person is asleep or unconscious;
3. The person is under the legal age to provide consent; or
4. The person has a disability that prevents such person from having the ability or capacity to give consent.

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

Section 4. Retaliation

The Sex Discrimination Policy for System Offices prohibits retaliation by the University, students, employees, or other persons authorized by the University to provide any aid, benefit or service under the University’s education programs and activities. Retaliation includes intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privileged secured by Title IX and these procedures because the targeted person(s) has made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including Informal Resolution, under these procedures. Retaliation includes Peer Retaliation, which is retaliation against any individual – whether a student or an employee – who has made a Complaint, participated in an investigation, or otherwise exercised their rights under Title IX. This includes retaliation from peers, colleagues, supervisors, or any other individuals associated with the System Offices and university.

Section 5. Definitions

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

Section 6. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services or interventions offered as appropriate and as reasonably available, without fee or charge to the Complainant or the

Respondent before, during, or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to the System Offices' education program or activity without unreasonably burdening either party, including, but not limited to measures designed to protect the safety of all Parties or the System Offices' educational environment; provide support during the applicable grievance procedures or during an Informal resolution process; or deter sexual misconduct.

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

Supportive measures may be denied, removed, or modified as deemed necessary by the System Offices Title IX Coordinator or designee. When a supportive measure is provided, denied, modified, or removed, the person who requested the supportive measure shall be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the System Offices' decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee shall be someone other than the employee who made the challenged decision and shall have the authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with this definition of supportive measure. Either party may also request modification or termination of supportive measures applicable to them if circumstances materially change.

The System Offices may reassess supportive measures needed to maintain access to the education program or activity at any time if it determines additional supportive measures are necessary.

Section 7. Resources

See Appendix B.

Section 8. Emergency Removal and Administrative Leave

The System Offices may remove a Respondent from the System Offices' education program or activity on an emergency basis. Any such removal will be based on an individualized safety and risk analysis that determines an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination. Immediately after the removal, the System Offices will provide Respondent with notice and an opportunity to challenge the decision.

The System Offices may place an employee Respondent (to include employees who are paid or unpaid, and volunteers) on administrative leave during the pendency of the applicable grievance process, subject to applicable laws, regulations, collective bargaining agreements, and policies.

Section 9. Dismissal of Complaint

A. Criteria for Dismissal of a Complaint of Sex Discrimination

The System Offices may dismiss a Complaint of Sex Discrimination in whole or in part, if:

1. The System Offices is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in the System Offices' education program or activity and is not employed by the System Offices;
3. The Complainant voluntarily withdraws any or all allegations in the Complaint, the System Offices Title IX Coordinator declines to initiate a Complaint, and the System Offices determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination under the Sex Discrimination Policy for System Offices; or
4. The System Offices determines the conduct alleged in the complaint, even if proven, would not constitute Sex Discrimination under this policy and procedures.

B. Notification of Dismissal

Upon dismissal, the System Offices will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the System Offices will also notify the Respondent of the dismissal and the basis for the dismissal concurrently with written notification to the Complainant. The notice will include the availability of the appeal procedure. The System Offices must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the System Offices must also notify the Respondent that the dismissal may be appealed. If the dismissal is appealed, the System Offices must:

- Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for all parties;
- Ensure that the Decision Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the Decision Maker for the appeal has been trained on the grievance procedures, and how to serve impartially.

C. Supportive Measures

The System Offices Title IX Coordinator will provide appropriate supportive measures following any dismissal.

D. Proactive Measures to Prevent Recurrence of Sex Discrimination

The System Offices Title IX Coordinator will take other prompt and effective steps to ensure Sex Discrimination does not continue or recur within the System Offices' education program or activity.

Section 10. Investigation Procedures – Generally

A. Preliminary Assessment

After a report is filed, the System Offices will determine in a preliminary assessment if the System Offices has jurisdiction over the alleged complaint. The System Offices will determine the most effective method of investigating alleged violations of the Sex Discrimination Policy for System Offices. Upon initiation of the Investigation process under these procedures, notice will be provided to all parties whose identities are known.

B. Presumption Respondent Not Responsible

The Respondent is presumed not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of the System Offices' procedures.

C. Consolidation

The System Offices may consolidate complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of Sex Discrimination arise out of the same facts or circumstances. If one of the Complaints to be consolidated is a Complaint of Sex-Based Harassment involving a student Complainant or Student Respondent, the procedures for investigating and resolving the consolidated Complaint must comply with the requirements for student cases alleging Sex-Based Harassment at the appropriate university.

D. Notice of Investigation

Upon receipt of a Complaint of Sex Discrimination, and if the Complaint is not dismissed, the System Offices Title IX Coordinator will provide the following notice to the Parties who are known:

- Notice of the System Offices' Procedures, including any Informal resolution process (if applicable)
- Notice of the allegations of Sex Discrimination, including:
 - The identities of the Parties involved in the alleged Sex Discrimination, if known;
 - The conduct allegedly constituting Sex Discrimination;
 - The date and location of the alleged incident, if known;
- Statement that retaliation is prohibited
- Statement that the Parties are entitled to an equal opportunity to access the relevant and

not otherwise impermissible evidence or an accurate description of this evidence. If a summary of the evidence is provided, then the Parties may equally access the evidence upon request of any party.

If in the course of an investigation, the System Offices decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice previously provided or that are included in a Complaint that is consolidated, the System Offices must provide notice of the additional allegations to the parties whose identities are known.

E. Investigation-General

The investigation will be adequate, reliable, and impartial. In the normal course, an investigation will include: (a) interviewing the Complainant(s), the Respondent(s), and other relevant individuals and witnesses, and (b) reviewing written statements, documents, records, and other relevant evidence that is not otherwise impermissible. The Investigator is not required to follow any particular order for interviewing the Complainant, Respondent, or any witnesses. When the Decision Maker is not the Investigator and a party's or witness's creditability is in dispute and the individual has information relevant to the determination of Sex Discrimination, the Decision Maker will meet with such individuals with disputed creditability to assess the same.

F. Burden

The burden is on the System Offices to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.

G. Evidence

Both Parties will have an equal opportunity to present evidence, both inculpatory and exculpatory, and witnesses to the Investigator throughout the investigation. The Investigator will use their professional judgment to assess the relevance and permissibility of the information submitted. In some instances, the Investigator may interview the Complainant, Respondent, and witnesses more than once.

The investigation is a party's opportunity to present testimonial and other evidence, either inculpatory or exculpatory, that the party believes is relevant and not otherwise impermissible to resolution of the allegations in the Complaint. Both Parties will be given equal opportunity to do so. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will generally be prohibited from introducing any such evidence or witness testimony during the appeal. The Investigator retains discretion to limit the number of witnesses interviewed during the investigation. The Investigator may choose not to interview individuals where the testimony would be unreasonably cumulative, if the individual does not have information relevant to the allegations at issue, or if the individual is offered to render testimony that is categorically inadmissible. The Parties will be allowed an equal opportunity to access relevant and not otherwise impermissible evidence or an accurate description of the evidence and be given an equal opportunity to respond to the evidence or description.

H. Objective Evaluation of Evidence

The Decision Maker will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide credibility determinations not based on a person’s status as a Complainant, Respondent, or witness.

I. Impermissible Evidence

The following types of evidence and questions seeking such evidence will be excluded from consideration as impermissible regardless of whether they are relevant:

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Advisor or Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the System Offices obtains that party’s or witness’s voluntary, written consent for use in the System Offices’ grievance procedure.
- Evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to provide Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

J. Access to and Review of Evidence

The System Offices will provide the parties with an equal opportunity to access the evidence that is relevant to the allegations of Sex Discrimination and not otherwise impermissible through either access to such evidence or to an accurate description of such evidence. If the System Offices provides a description of the evidence, then the parties will have an equal opportunity to also access the relevant and not otherwise impermissible evidence upon request. The parties will have a reasonable opportunity to review and respond to the evidence or description within 3 Days. The System Offices must take reasonable steps to prevent and address the parties’ unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

K. Consultation

The Investigator may consult others who may provide specific knowledge and who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand or to provide factual detail relevant to the investigation.

L. Limitations

The System Offices’ ability to investigate a specific allegation, as well as the extent to which an allegation can be investigated, will be affected by any number of factors, including, but not limited to the nature of the allegations, the availability of evidence, whether the Complainant is willing to

participate in an investigation, the location where the alleged conduct occurred, and the System Offices' access to information relevant to the alleged or suspected violation of this policy.

M. Investigation Timeframe

The System Offices strives to complete an investigation within 90 Days after issuance of the notice of investigation, unless good cause exists to extend the period for investigation and notice is given to the parties with the reason for delay. The parties will be provided periodic updates of the status of the investigation and will be notified if the period for investigation has been extended. The System Offices may extend the timeframes in this procedure on a case-by-case basis for good cause with notice to the parties.

N. Concurrent Court Proceedings

The System Offices Title IX Coordinator will not wait for the conclusion of any criminal or civil investigation or proceedings before initiating these procedures. The Investigator may, however, determine that a temporary delay is needed where the evidence gathering stage of the investigation is interfering with a police investigation. In such cases, the System Offices simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent. As soon as it is appropriate to proceed, the Investigator will promptly notify the Parties and resume the investigation.

O. Equitable Treatment of Parties

The System Offices will treat Complainants and Respondents equitably.

P. Conflict of Interest and Bias Prohibited

The System Offices will designate a System Offices Title IX Coordinator, Investigator, and Decision Maker who does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Decision Maker may be the same person as the System Offices Title IX Coordinator or Investigator. The System Offices Title IX Coordinator may also serve as Investigator.

Q. Determination

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the Decision Maker shall use the preponderance of evidence standard of proof to determine whether a violation of the Sex Discrimination Policy for System Offices has occurred. The Decision Maker will notify the parties in writing of the determination of whether Sex Discrimination under this policy has occurred including the rationale for such determination and the procedures for appeal, if applicable. The System Offices Title IX Coordinator shall coordinate the provision and implementation of remedies to a Complainant and other persons the System Offices identifies as having had equal access to the System Offices' education program or activity limited or denied by Sex Discrimination, coordinate imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that Sex Discrimination under this policy does not continue or recur within the System Offices' educational programs or activities.

Either party may appeal a determination. If no appeal is timely filed, the determination will be deemed final, at which time, if the Respondent has been found to have not violated the policy, the

matter will be closed. If the Respondent is found to have violated the policy, sanction(s) will be determined.

Section 11. Student Cases Involving Allegations of Sex-Based Harassment

For cases involving Sex-Based Harassment where the Complainant(s) are students, the procedures in Investigation Procedures—Generally will apply in addition to the following:

A. Notice of Allegations

The Notice of Allegations shall be in writing and include:

1. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
2. A statement that a determination regarding responsibility is made at the conclusion of the grievance process;
3. Notice to the Parties that they may have an advisor of their choice, who can be, but is not required to be, an attorney;
4. Notice of the relevant prohibitions on knowingly making false statements or knowingly submitting false information during the grievance process; however, a determination of responsibility, alone is not sufficient to conclude that a party made a false statement.
5. Confirmation that Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of the evidence

If, in the course of an investigation, the System Offices decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not in the initial written notice, the System Offices will provide written notice of the additional allegations. The written notice must provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The written notice may be delayed to the extent that the System Offices has reasonable concerns for the safety of any person as a result of providing this notice in order to address the safety concern.

B. Notice of Dismissal of Complaint(s) of Sex-Based Harassment

In the event of a dismissal, notice of the dismissal shall be in writing and provide the basis for the dismissal, except if the dismissal occurs before the Respondent has been notified of the allegations, in which case the System Offices must provide such written notice only to the Complainant.

C. Requirement for Written Withdrawal of Allegations

In the event that a dismissal is based on the voluntary withdrawal of allegations by the Complainant, the Complainant's withdrawal must be in writing.

D. Adjudication

Adjudication:

1. Student Respondent Cases: All Sex Discrimination cases involving a student Respondent shall be determined with a live hearing, including the following procedures:
 - a. Evidence review: The Parties shall have an opportunity to review the relevance and not otherwise impermissible evidence in advance of the live hearing.
 - b. Live hearing location: The live hearing may be conducted with the parties physically present in the same geographic location or with the parties physically present in separate locations, with technology enabling the decisionmaker and parties to simultaneously see and hear the party or the witness while that person is speaking.
 - c. Recording: The System Offices will create an audio or audiovisual recording or transcript of the live hearing and make it available to the parties for inspection and review upon request.
 - d. Questioning of Parties and Witnesses by Decision Maker(s): The Decision Maker(s) will have an opportunity to ask questions to Parties and witnesses during the live hearing. Parties may propose such questions that the party wants asked of any party or witness and have those questions asked by the Decision Maker(s) when the Decision Maker(s) determines that the questions are relevant and not otherwise impermissible. Prior to removing a proposed question, the Decision Maker(s) will explain the decision to exclude the question as not relevant or not otherwise impermissible. If the Decision Maker(s) decides that questions are unclear or harassing, then the party proposing the question will have an opportunity to revise the question. The Decision Maker(s) will determine whether the revision sufficiently clarifies or revises a question such that it is no longer unclear or harassing and ask sufficiently revised questions.
 - e. Questioning of Parties and Witnesses by Advisors: Advisors will have an opportunity to ask questions to Parties and witnesses during the live hearing that are relevant and not otherwise impermissible as determined by the Decision Maker(s). The Advisors will have the opportunity to revise questions that are unclear or harassing. The Decision Maker(s) will determine whether questions are sufficiently revised and may be posed by the Advisor.
2. Non-student Respondent Cases: For cases with a non-student Respondent, the Decision Maker will have an opportunity to ask questions to Parties and witnesses during individual meetings. The Decision Maker will allow the Parties to propose questions for any party or witness. The Decision Maker will ask the party or witness the questions seeking relevant and not otherwise impermissible evidence and record (through transcription or audio or audiovisual recording) the response. The Decision Maker will provide the record of question responses to the Parties with a reasonable opportunity to ask follow-up questions. If a submitted question is unclear or harassing, the Decision Maker will give the party an opportunity to revise the question.

E. Written Notice

The System Offices shall provide written notice to Parties of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

F. Advisor of Choice

The parties will have the same opportunity to be accompanied to any meeting or proceeding by the advisor of choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor of choice for the Complainant or Respondent in any meeting or proceeding; however, the System Offices may establish restrictions regarding the extent to which the advisor may participate in the grievance procedures, as long as the restrictions apply equally to the Parties.

G. Support Person

The Parties will have the same opportunity to be accompanied by not more than one support person other than the advisor of choice during any meeting or proceeding.

H. Expert Witness

The System Offices may determine whether expert witnesses may be presented by the Parties and provide equal opportunity where expert witnesses are permitted.

I. Extensions

The System Offices will allow for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the delay.

J. Access to and Review of Evidence

The System Offices will provide parties with an equal opportunity to access the evidence that is relevant to the allegations of Sex-Based Harassment and not otherwise impermissible through either access to such evidence or to a written investigative report that accurately summarizes this evidence. If the System Offices provides access to the investigative report, then the parties will have an equal opportunity to also access the relevant and not otherwise impermissible evidence upon request. The parties will have a reasonable opportunity to review and respond to the evidence or investigative report prior to the determination of whether Sex-Based Harassment occurred. For cases in which a live hearing is held, the review opportunity will be in advance of the live hearing.

K. Handling of Non-Responsive Statements in Decision Making

A Decision Maker may choose to place less or no weight on statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decision Maker must not draw an inference about whether Sex-Based Harassment occurred based solely on a party's or witness's refusal to respond to such questions.

L. Written Determination

The System Offices will provide a written determination including the following to the Parties

simultaneously, which will become final either on the date on which an appeal would no longer be considered timely:

1. A description of the alleged Sex-Based Harassment;
2. Information about the policies and procedures that the System Offices used to evaluate the allegations;
3. The Decision Maker's evaluation of relevant and not otherwise impermissible evidence;
4. A determination of whether Sex-Based Harassment in violation of the Sex Discrimination Policy for System Offices occurred;
5. When a finding of Sex-Based Harassment in violation of the Sex Discrimination Policy for System Offices is made, any disciplinary sanctions the System Offices will impose on the Respondent, and whether other remedies will be provided by the System Offices to the Complainant, and when appropriate, other students identified by the System Offices experiencing the effects of the Sex-Based Harassment; and
6. Procedures for the Parties to appeal the determination.

M. Student Amnesty

Any student who reports, in good faith, an alleged violation of the Sex Discrimination Policy for System Offices to a Responsible Employee will not receive a disciplinary sanction by the System Offices or their university for a student conduct violation, such as underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report, unless the System Offices or university determines that the violation was egregious, including without limitation an action that places the health or safety of any person at risk.

N. Appeals

Parties will have the opportunity to appeal a determination under Appeals—Generally. The appeal notifications will be made in writing. See section 12 for more information.

O. Informal Resolution

If Informal Resolution is appropriate, the System Offices will provide the parties with written notice of the offer to participate in Informal Resolution and the rights and responsibilities in the Informal Resolution Process. See Appendix G for more information.

Section 12. Appeals – Generally

Unless specified otherwise for the type of Complaint, a dismissal of a Complaint or any allegations therein, and a determination may be appealed by a party in writing within 5 Days of receipt of the notice of dismissal or of receipt of the determination through notice to the System Offices Title IX Coordinator on any of the following bases:

- Procedural irregularity that would change the outcome of the matter;
- New evidence that was not reasonably available at the time the determination whether Sex

Discrimination occurred or at the time a dismissal was made, that would change the outcome of the matter; and

- The System Offices Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, which would change the outcome of the matter.

The System Offices will notify the Parties of any appeal and include notice of the allegations if not previously provided to the Respondent.

The appeal procedure will apply equally for the Parties. The appeal Decision Maker will not have taken part in the investigation of the allegations, determination, or dismissal of the Complaint. The appeal Decision Maker shall provide the parties 5 Days to make a statement challenging or supporting the outcome. The appeal Decision Maker will review the appeal and notify the parties in writing of a determination within 10 Days.

Section 13. Disciplinary Sanctions and Remedies

Following a determination of a violation of the Sex Discrimination Policy for System Offices, the System Offices may impose disciplinary sanctions, which may include sanctions for student Respondents set out in the Student Disciplinary Policy ranging from a warning to dismissal. Employee Respondents are subject to a range of sanctions ranging from a warning to termination. Other Respondents are subject to a range of sanctions ranging from a warning to a complete ban on participation in the System Offices' education programs and activities. The System Offices may also provide remedies, ranging from educational conversations through removal of contact with Respondent.

Appendices

Appendix A: Definitions

Appendix B: Confidential Advisors

Appendix C: What To Do If You Are The Victim Of Sex-Based Harassment

Appendix D: Responsible Employees

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

Appendix F: Filing Reports with External Agencies

Appendix G: Informal Resolution Process

Appendix A

Definitions

Complaint. A Complaint is an oral or written request to the System Offices that objectively can be understood as a request for the System Offices to investigate and make a determination about alleged Sex Discrimination.

Complainant. Complainant means an individual who is alleged to be the victim of conduct that could violate the System Offices Sex Discrimination Policy or Non-Discrimination Policy.

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

Confidential Employee. A System Offices employee who is designated by their duties and responsibilities to provide support to students and employees who report incidents of Sexual Harassment or discrimination, without being required to disclose any personally identifiable information to the System Offices Title IX Coordinator or other school officials. Confidential Employees typically include certain mental health counselors, pastoral counselors, social workers, and other licensed professionals or individuals who provide similar services. These employees are obligated to maintain confidentiality and are not required to report the details of any incident to the System Offices Title IX Coordinator, thereby providing a safe space for individuals to discuss their experiences and seek support without triggering a Formal investigative process.

For the purposes of Title IX, Confidential employee means:

- (1) An employee of the System Offices whose communications are privileged or confidential under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- (2) An employee of the System Offices whom the System Offices has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or
- (3) An employee of the System Offices who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

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

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

1. the person is incapacitated due to the use or influence of alcohol or drugs;
2. the person is asleep or unconscious;
3. the person is under the legal age to provide Consent;
4. the person has a disability that prevents such person from having the ability or capacity to give Consent; or
5. to be found responsible in a case involving a Complainant who could not Consent to sexual activity, the Respondent must have known, or should have known, the Complainant was unable to understand the nature of the sexual activity or give knowing Consent due to the circumstances. "Should have known" is an objective, reasonable person standard. That is, would a reasonable person have recognized that the Complainant could not Consent to the sexual activity.

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

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

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship;
 - b. the type of relationship; and
 - c. the frequency of interaction between the persons involved in the relationship.

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

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

Decision Maker. The individual that conducts an investigation and makes a Determination Regarding Responsibility concerning a Complaint of discrimination and/or harassment, including Title IX Sex Discrimination. Persons serving as Decision Makers must be appropriately trained and must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Under the single-Investigator model, Decision Makers can also be the System Offices Title IX Coordinator, the Complaint Investigator, or any other person who participated previously in the investigation or resolution of the Complaint of Title IX Sex Discrimination.

Determination Regarding Responsibility. A Determination Regarding Responsibility is a written finding by the Decision Maker regarding whether the Respondent did or did not commit the alleged discrimination. In Title IX Sex Discrimination cases, the written notice of the Determination Regarding Responsibility to the Complainant and the Respondent must include:

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

Disciplinary Sanctions. The penalties or corrective measures imposed on a Respondent following a Determination of Responsibility for violating a University of Illinois System policy. These sanctions can vary widely based on the severity of the violation and the institution's specific policies but generally include actions such as student disciplinary actions, loss of privileges, mandatory training or counseling, and other measures designed to address the behavior and prevent its recurrence. The purpose of Disciplinary Sanctions is to ensure accountability, protect the community, and uphold the university's commitment to a safe and equitable educational environment.

Domestic Violence. Felony or misdemeanor crime committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the felony or Domestic Violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of the State of Illinois.

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

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

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

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

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

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

Remedies. Remedies are measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the University of Illinois System's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the education program or activity after the System Offices determines that sex discrimination occurred. Remedies may include the same individualized services as Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Respondent. Respondent means an individual who is alleged to have violated the Sex Discrimination Policy for System Offices or other applicable System policy.

Responsible Employee. A Responsible Employee is any System Offices employee who has been given the duty of reporting incidents of Sex Discrimination to the System Offices Title IX Coordinator or other appropriate designee. Confidential Advisors and Confidential Employees are

not considered Responsible Employees; however, all other System Offices employees, including some student employees, are considered Responsible Employees.

Retaliation. Retaliation means intimidation, threats, Coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, other applicable federal and state laws, this policy, or because the individual has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an Informal Resolution Process. Retaliation may include, but is not limited to harassment, discrimination, threats, or adverse employment action. Any person or group within the scope of this policy who engages in prohibited Retaliation is subject to a separate Complaint of Retaliation under this policy.

Sexual Assault. Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigations:

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

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

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

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

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

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

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

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

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

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

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

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

Supportive Measures. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University of Illinois System's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University of Illinois System's educational environment, provide support during the grievance procedures or Informal Resolution process, or deter Sex Discrimination.

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

Title IX Sex-Based Harassment. Title IX Sexual Harassment is a form of Sex Discrimination, Sexual Harassment, and other harassment or misconduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo: A System Office employee conditioning the provision of an aid, benefit, or service of the University of Illinois System on an individual's participation in unwelcome sexual conduct;
2. Hostile Environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the System Offices' education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the Complainant's ability to access the education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; and
 - (v) Other Sex-Based Harassment in the recipient's education program or activity;
3. Sexual Assault (as defined in this policy);
4. Stalking (as defined in this policy);
5. Dating Violence (as defined in this policy); or
6. Domestic Violence (as defined in this policy).

University of Illinois System. The University of Illinois System is comprised of the universities at Urbana-Champaign, Chicago, and Springfield (the "universities", or individually the

“university”); the University of Illinois Hospital & Health Sciences System (the “hospital”); and the System Offices (including Discovery Partners Institute (DPI)).

University of Illinois System Learners. Includes individuals enrolled at the universities or adult learners attending classes at DPI as DPI learners.

Appendix B

Confidential Advisors

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

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

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

Student Sex Discrimination survivors desiring to speak with a Confidential Advisor may consult with the following Confidential Advisor resources:

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

Employee Sex Discrimination survivors desiring to speak with a Confidential Advisor may consult with the System Offices Title IX Coordinator about available resources.

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

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

Appendix C

What To Do If You Are The Victim Of Sex-Based Harassment

A. If you are the Victim of Sexual Violence:

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

B. Reporting Options

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

2. **To System Offices Title IX Coordinator:** You are encouraged to report allegations involving Sex Discrimination, including Sex-Based Harassment and other Sexual Misconduct to the System Offices Title IX Coordinator:

System Offices Title IX Coordinator: Anthony Binion

Telephone: (217) 244-6292

E-mail: systemofficetitleIX@uillinois.edu

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

In person: 807 South Wright Street

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

C. Confidential Counseling

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

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

Professional counselors at these locations can provide support, help find needed resources, and talk with you about your reporting options.

System Offices employees are eligible for confidential counseling services through the State of Illinois and university [Employee Assistance Program](#) (EAP). This program is designed to provide support and assistance, in addition to resources and talk about reporting options. EAP services are offered at no cost to employees and ensure confidentiality, allowing individuals to seek help without fear of their privacy being compromised.

D. Rape and Sexual Assault Crisis Centers

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

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

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

E. Amnesty

Any student who reports, in good faith, an alleged violation of the Policy to Address Sex Discrimination, Harassment, and Sexual Misconduct to a responsible employee will not receive a disciplinary sanction by the University for a student conduct violation, such as underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report, unless the University determines that the violation was egregious, including without limitation an action that places the health or safety of any person at risk.

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

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

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

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

Appendix D

Responsible Employees

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

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

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

After receiving a report of Sex Discrimination, a Responsible Employee must report the following information (if known) to the System Offices Title IX Coordinator:

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

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

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

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

Appendix E

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

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

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

Appendix F

Filing Reports with External Agencies

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

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

Illinois Department of Human Rights

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

Office for Civil Rights

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

U. S. Equal Employment Opportunity Commission

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

Appendix G

Title IX Informal Resolution Process

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

- Before the parties commit to Title IX Informal Resolution process, the System Offices Title IX Coordinator delivers to the parties a written notice disclosing: the allegations, the requirements of the Title IX Informal Resolution process including the circumstances under which it precludes the parties from resuming a Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Title IX Informal Resolution process and resume the grievance process with respect to the Complaint, the potential terms that may be required or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the parties, and any consequences resulting from participating in the Title IX Informal Resolution process, including the records that will be maintained or could be shared; and,
- The System Offices Title IX Coordinator obtains the parties' voluntary, written Consent to the Title IX Informal Resolution process.

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

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

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

The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the grievance procedures. Any person designated by the System Offices to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any

person facilitating informal resolution must receive specialized training.