

Appendix B

Student Sexual Misconduct Policy & Procedures

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

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

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

The Policy’s Grievance Procedures govern Sexual Misconduct where the party accused of such behavior (the “Respondent”) is a Student¹ or group of Students. This Policy applies regardless of the identity of a Complainant or witness. As used in this Policy, the “Complainant” means “an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct.” Although the Grievance Procedures

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

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

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

Section III. Applicability of Other Columbia Policies.

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

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

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

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

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

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

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

C.) To maximize evidence collection:

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

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

What to Expect at the Hospital²

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

The Emergency Room Exam

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

Evidence Collection

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

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

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

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

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

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

Sexually Transmitted Infections

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

Pregnancy Testing

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

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

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

Individuals with inquiries regarding this Policy should contact Mr. Callicoat (contact information below).

Neil Callicoat
Title IX Coordinator and Director of Equity Issues
623 S. Wabash, Room 315
Chicago, IL 60605
Phone: 312.369.6343
ncallicoat@colum.edu

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

Chaselyn Lewis
Title IX Investigator
623 S. Wabash, Room 315
Chicago, IL 60605
Phone: 312.369.6344
CHLewis@colum.edu

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

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

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

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

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

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

Responsible Employees include, but are not limited to³:

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

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

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

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

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

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

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

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

Under certain circumstances, the law and applicable professional codes require the below-listed individuals and resources to keep the details of Sexual Harassment in a confidential manner and to refrain from disclosing such information to third parties without the reporting party's consent. In particular, professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the

Coordinator without a Complainant's permission. The following are Confidential Resources on-campus. Please check the below websites or contact these Confidential Resources directly for more information, including updated hours and the best ways to receive assistance.

For Students

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

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

Office of Student Relations (Professional Counselors)
623 S. Wabash, Room 301
312.369.8595

Confidential Advisor
Charee Mosby-Holloway
Director of Student Diversity & Inclusion
618 S. Michigan, 4th Floor
312.369.7994
cmosbyholloway@colum.edu

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

For Eligible Employees

Columbia Care ATC Clinic (Licensed Physicians & Nurses)
600 S. Michigan, Suite 402
800.993.8244

For All Employees

Employee Assistance Program
WorkHealthLife
800.272.2727
<https://www.workhealthlife.com>

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

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

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

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

YWCA Metropolitan Chicago
1 N. LaSalle Street Suite 1700
Chicago, IL 60602
312.733.2102
<https://ywcachicago.org/our-work/sexual-violence-support-services/>

Resilience (previously RVA)
180 N. Michigan Suite 600
Chicago, IL 60601
312.443.9603
www.ourresilience.org/

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

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

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

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

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

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

- The increased risk that the alleged Respondent will commit additional acts of Sexual Harassment, Sexual Misconduct, Sexual Violence, or other violence, such as:
 - Whether there have been other Sexual Harassment Complaints about the same Respondent
 - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence
 - Whether the Respondent threatened further Sexual Harassment, Sexual Misconduct, Sexual Violence, or other violence against the Complainant or others
 - Whether the Sexual Harassment was committed by multiple Respondents
- Whether the Sexual Harassment was perpetrated with a weapon
- Whether the Complainant is a minor
- Whether the College possesses other means to obtain relevant evidence of the Sexual Harassment (e.g. security cameras)

- Whether the Complainant’s report reveals a pattern of perpetration at a given location or by a particular group

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

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

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

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

Section XIII. What Constitutes Sexual Harassment and Sexual Misconduct⁴

A. Sexual Harassment.⁵ Sexual harassment is any Unwelcome Conduct [defined in XIII(C)] of a sexual nature or that based on gender identity – perceived or actual – or gender stereotypes (“Gender”). It can occur by or between individuals of any – including the same – sex or gender. Sexual

⁴ This section is based, in part, on 29 CFR 1604.11.

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

Harassment can also take place between individuals who have been or are currently in an intimate relationship, marriage, or other relationship of a romantic, social, or familial nature with each other. Examples of behavior that may constitute Sexual Harassment include, but are not limited to:

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

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

- “*Sexual Abuse*⁷” means, “any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.”
- “*Rape*⁸” means, “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”
- “*Fondling*⁹” means “the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.”

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

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

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

⁸ This definition is adopted from the FBI Uniform Crime Reporting Program.

⁹ This definition is adopted from the FBI Uniform Crime Reporting Program.

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

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

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

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

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

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

- (1) Submission to such harassment is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in other College activities; *or*
- (2) Submission to or rejection of such harassment by an individual is used as the basis for a decision affecting that person's employment, education, or participation in other College activities¹⁰; *or*
- (3) Such harassment creates a hostile environment [defined in XIII(D)].

C. Consent and Unwelcome Conduct.¹¹ Any behavior where all parties involved have not provided Consent constitutes Unwelcome Conduct and is Non-Consensual. Consent is clear,

¹⁰ XIII(B)(1) and XIII(B)(2) constitute "Quid Pro Quo Sexual Harassment"

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

unambiguous, and voluntary agreement between participants to engage in specific sexual activity.¹² Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. An individual's decision to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn by an individual at any time. Being intoxicated or otherwise impaired due to drugs and/or alcohol does not diminish one's responsibility to obtain Consent.

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

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

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

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

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

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

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

Section XIV. Sexual Misconduct Grievance Procedures

A. Generally Applicable Information

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

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

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

4. Individuals with Disabilities. Columbia will endeavor to provide the appropriate accommodations to ensure that individuals with disabilities may participate fully in the steps outlined in these grievance procedures. Individuals with disabilities who need assistance in reporting misconduct

under this Policy may contact the below offices:

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

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

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

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

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

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

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

- On-campus counseling;
- Course-related adjustments (such as extensions of deadlines, changes in course schedules, tutoring, or alternative course completion options) with the consultation of appropriate faculty members;
- Extracurricular accommodations;
- Modifications of work or class schedules;
- Assisting with the party's transportation to and from classes or work (to the extent practicable)

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

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

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

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

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

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

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

12. Training. All College employees whose duties include resolution of complaints under this Policy shall receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, domestic violence, dating violence, stalking and their responsibilities under this Policy

in addition to other College training required by federal, state, or local law.

B. Reporting Sexual Misconduct.

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

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

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

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

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

5. What To Expect When Reporting. The College realizes that it may be especially difficult for a Complainant or witness to come forward. Accordingly, to the extent practicable, the College's Responsible Employees shall endeavor to provide a supportive environment where Complainants and witnesses are comfortable reporting alleged misconduct. Before a Complainant reveals information that the Complainant may wish to keep as confidential, a Responsible Employee should make reasonable efforts to ensure that the Complainant understands: (1) the employee's obligation to report the names of the Respondent and Complainant involved in the alleged Sexual Misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Coordinator, (2) the Complainant's option to request that the College maintain the Complainant's confidentiality or not pursue a formal investigation, which the Coordinator will consider, and (3) the Complainant's ability to share the information confidentially with other resources. For purposes of clarification, Responsible Employees shall also comply with any other applicable confidentiality requirements, as articulated in

Section IX and XI.

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

C. Investigating Sexual Misconduct

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

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

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

2. Preliminary Meeting & Informal Resolution Option. After issuing a Charge, the Coordinator shall meet separately with the Complainant and the Respondent to apprise both parties of their rights under this Policy and to address questions related to these Grievance Procedures. The Coordinator shall also provide both parties with notice of the types of information that likely will be disclosed during the investigation, the recipients of this information, and the reasons for any

disclosures. During this meeting, either party may request that the College devise a plan to resolve this matter informally without a full investigation and adjudication.

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

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

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

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

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

6. Admission. Within five (5) days of receiving the Notice of Hearing letter, the Respondent may notify the Coordinator that the Respondent accepts responsibility for the alleged misconduct or rejects the finding. If the Respondent accepts responsibility, the Coordinator will, in consultation with

the Dean of Students [as explained in section XIV(D)(7)], impose sanctions and/or remedies and provide notice as required under XIV(D)(8). The Respondent may appeal the sanctions under section XIV(E)(2).

D. The Hearing.

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

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

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

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

5. General Hearing Rules.

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

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

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

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

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

The College will take such action to prevent the recurrence of the Sexual Misconduct and to address any discriminatory effects on the Complainant and others. When determining sanctions or remedies, the Office of the Dean of Students may consider aggravating and mitigating factors, including but not

limited to: (a) whether the Respondent has engaged in Sexual Misconduct in the past, (b) the nature of such past violations, if any, (c) the extent to which the conduct at issue here was premeditated, (d) the impact of the behavior on Complainant and/or the Columbia community, (e) whether the Respondent is apologetic or has otherwise accepted responsibility, (f) deterrence considerations, (g) the probability that Respondent will engage in another violation of a College policy, and (h) Respondent's involvement in the Columbia community.

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

E. The Appeal.

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

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

2. Appeals Under Section XIV(C)(6). After accepting responsibility for a Charge, as articulated in section XIV(C)(6), a party shall have ten (10) days to submit a written appeal after receiving notice of any imposed sanctions. Section XIV(C)(6) appeals are limited to the grounds that the imposed sanctions are grossly disproportionate to the violation. All other timelines and procedures

are identical to those in the above section.

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