

## 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. Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) prohibit discrimination on the basis of sex in education programs or activities. Sexual Harassment of students, which includes acts of Sexual Violence, is a form of sex discrimination. In compliance with Title IX, this Student Sexual Misconduct Policy and Procedures (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, 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 Title IX complaints. The Grievance Procedures in this Policy cover Sexual Misconduct. Sexual Misconduct is quid pro quo Sexual Harassment or Sexual Harassment that creates a Hostile Environment (as explained in Section XIII). Sexual Misconduct may include, but is not limited to: Sexual Violence, Sexual Exploitation, and Stalking. This Policy’s Grievance Procedures cover Sexual Misconduct that occurs in connection with on-campus and/or off-campus Columbia programs or activities. The College may initiate an investigation under this Policy regardless of where the alleged misconduct took place. To illustrate, this Policy’s Grievance Procedures would apply to Sexual Misconduct that took place inside the College’s 600 S. Michigan building or during an off-campus Columbia-sponsored course, training program, domestic field trip, or study abroad experience. The Grievance Procedures would also cover Sexual Misconduct that allegedly occurred during an event neither sponsored by nor related to a College program or activity if a Community member experienced the continuing effects of such misconduct while at the College or during a Columbia sponsored event.

The Policy’s Grievance Procedures govern Sexual Misconduct where the party accused of such behavior (the “Respondent”) is a Student<sup>1</sup> or group of Students. This Policy applies regardless of the identity of a victim, witness, or Complainant<sup>2</sup>. The College investigates and adjudicates Sexual Misconduct complaints against third parties or its employees through sections 1-9 of the Columbia College Chicago Anti-Discrimination & Harassment Policy (the “Harassment Policy”). Accused Employees may have additional procedural rights and/or responsibilities due to their status or union affiliation. For example, The Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process (the “Tenure Statement”) governs the employment of all full-time faculty members.

Although the Grievance Procedures apply strictly to Sexual Misconduct, the College prohibits all

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

<sup>2</sup> The Complainant is a victim of Sexual Misconduct who reports the behavior to a Responsible Employee, as defined in Section IX, at the College.

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. Precedence Over Other College Policies.** In the event of a conflict between the terms of this Policy and the College's Anti-Discrimination and Harassment Policy, or any other College policy or procedures, the terms of this Policy have priority.

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

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

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

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

C.) To maximize evidence collection:

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

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

### What to Expect at the Hospital<sup>3</sup>

Seeking medical care is important, regardless of whether a victim of Sexual Violence 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 for victims of Sexual Violence 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 a sexual assault survivor. 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) – through the College’s grievance procedures and/or the criminal system – who participated in the Sexual Violence. If an individual wishes to have evidence collected, he or she should not bathe, douche or change clothes before the exam. This may destroy evidence. However, evidence may still be collected up to a week after a sexual assault. An individual may wish to bring a change of clothes when he or she goes to the emergency room, since clothing may be kept as evidence. A sweatsuit or scrubs may also be provided.

#### *Evidence Collection*

- If an individual chooses, the hospital will conduct thorough and complete evidence collection using the Illinois State Police Evidence Collection Kit (the "rape kit"). The entire evidence collection process will be done only with his or her 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 his or her insurance. The Violence Against Women Act (“VAWA”) conditions a

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<sup>3</sup>Adopted from After Sexual Assault, a resource page created by the Illinois Coalition Against Sexual Assault and Loyola University Chicago.

state's receipt of certain federal funding on the provision of medical forensic examinations at no cost for victims of sexual assault. The rape kit does not contain any medication.

- Evidence may be collected even if the individual does not plan to report the attack to the police. If he or she decides at a later date that he or she would like 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 Respondent's DNA and any other debris from the Respondent or scene of the incident.
- The clothes the individual is wearing also may be sent to the 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 during the assault. The photographs may be kept as evidence until the case is closed.

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

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

#### *Sexual Transmitted Infections*

- Sexually transmitted infections ("STIs") such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during a sexual assault. An individual may not know that he or she has an STI until several weeks or months after it has been transmitted.
- If an individual is concerned about having an STI, he or she should discuss this concern with the treating doctor or nurse. Certain medical professionals can give preventive medicine (antibiotics, HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given to him or her. An individual should make sure he or she knows the name, dosage, purpose, and possible side effects of the drug. He or she 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 weeks after the attack, and again in six weeks. The individual should repeat HIV testing in 3 to 6 months. The College Student Health Center can test for most STIs and provide referrals for free and low-cost STI and HIV testing. The ATC Care Clinic may be able to provide relevant assistance as well.

#### *PREGNANCY TESTING*

- For women, there is a chance that pregnancy could result from a sexual assault. A test for pregnancy is recommended for all women of childbearing age who are sexually assaulted.
  - An individual may request a pregnancy test at the time of the exam. However, a test at the time of the sexual assault will not show if she is pregnant from the assault. 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 sexual assault survivors. Pregnancy testing is available at the Student Health Center (for students) and ATC Care Clinic (for eligible faculty and staff).

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

Individuals with inquiries regarding Title IX should contact Ms. Khan Harvey (contact information below) or the Department of Education’s Office of Civil Rights at (312) 730-1560.

Ms. Rabia Khan Harvey  
Director of Equity Issues & Title IX Coordinator  
623 S. Wabash, Room 315  
Chicago, IL 60605  
Phone: 312.369.6343  
rkhanharvey@colum.edu

The College’s Title IX Deputy Coordinator is Janely Rivera. The Title IX Deputy Coordinator assists Ms. Khan Harvey in the implementation and enforcement of this Policy. The Title IX Deputy Coordinator will assume the rights and responsibilities of the Coordinator when the Coordinator is unavailable, conflicted, biased, or named in a Report. The Title IX Deputy Coordinator’s contact information is as follows:

Janely Rivera  
Title IX Deputy Coordinator & Investigator  
623 S. Wabash, Room 315  
Chicago, IL 60605  
Phone: 312.369.6344  
jrivera@colum.edu

**Section VI. Retaliation Prohibited.** It is a violation of this Policy and Title IX 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 victims of Sexual Harassment 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 victims 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:** *Victims 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 authority to redress Sexual Harassment, who has the duty to report incidents of Sexual Harassment, or who a student could reasonably believe has this authority or duty. Responsible Employees are required to report all the details of an incident (including the identities of both the victim and the Respondent) to the Coordinator. A report to a Responsible Employee serves as a formal complaint to the College of alleged Sexual Harassment (“Complaint”) and obligates the College to investigate the incident and to take appropriate steps to address the situation.*

Responsible Employees include, but are not limited to<sup>4</sup>:

- The Coordinator;
- All full-time faculty members (including deans, assistant deans, chairpersons, associate chairpersons);
- Staff members with “Director,” “Coordinator,” “Provost,” “Associate Provost,” “Assistant Provost,” “Chief of Staff,” “Vice President,” “Assistant Vice President,” “Associate Vice President,” or “President” in their titles;
- Part-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](mailto: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.

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

When a victim 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 victim's consent or unless the victim has also reported the incident to such body.

To the extent feasible, before a victim reveals any information to a Responsible Employee, the Responsible Employee shall endeavor to ensure that the victim understands the Responsible Employee's reporting obligations. A Responsible Employee shall neither encourage the victim to report formally, if the victim is not ready to do so, nor pressure the victim to request assistance from a different resource. If the victim communicates that he or she 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 victim communicates that he or she 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.** *Victims 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 victim's wishes.*

Kari Sommers, the Assistant Dean of Student Life, and David Keys, Coordinator of Student Relations, are the two Non-Professional Counselors & Advocates at the College. Individuals who work or volunteer in their offices, including front desk staff and students, can generally also talk to a victim without having to reveal any personally identifying information about an incident to the Coordinator. Ms. Sommers, Mr. Keys, and their 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 victim – helps keep the Coordinator informed of the general extent and nature of Sexual Harassment on and off campus. These individuals shall consult with the victim 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

David Keys  
Coordinator of Student Leadership  
916 S. Wabash, Room 403a  
312.369.7188  
dkeys@colum.edu

**3. Confidential Resources:** *Victims 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 victim'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)  
731 S. Plymouth Ct.  
312.369.6830  
<http://students.colum.edu/health-center/>  
By appointment or walk-in

Counseling Services (Professional Counselors)  
731 S. Plymouth Ct., Suite 112  
312.369.8700  
<http://students.colum.edu/health-center/counseling-services/>  
By appointment or walk-in

Office of Student Relations (Professional Counselors)  
623 S. Wabash, Room 301  
312.369.8554  
By appointment or walk-in

#### *Confidential Advisors\**

Orterio Villa  
Coordinator of Res. Life Training & Comm.  
731 S. Plymouth, Room 103  
312.369.6945  
ovilla@colum.edu

Cordelia Miller Muhammad, MSW & LCSW  
Coordinator of Counseling Services  
731 S. Plymouth, Room 112  
312.369.7480  
emuhammad@colum.edu

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

### On Campus Resources For Faculty & Staff

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

**B. Reminders For Reporting To Confidential Employees Or Non-Professional Counselors & Advocates.** A victim who speaks to a Confidential Resource or a Non-Professional Counselor & Advocate should understand that, if he or she 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 victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or courses schedules. A victim 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 victim with assistance in formally reporting if the victim 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 victim. 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.

**Section X. Off-Campus Resources For Assistance & Support.** The College encourages all victims of Sexual Harassment to report the offending behavior to an employee or employee within one of three categories articulated in Section VII. Informing a College employee of such misconduct provides the College with an opportunity to promptly take remedial action and to investigate – if desired – so that the victim 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 victims, 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 victim requests the disclosure and signs a consent or waiver form. Some of these groups may have reporting or other obligations under local, state, and/or federal law. One can contact the below directly for more information regarding offered services and applicable confidentiality policies.

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

180 N. Michigan  
Chicago, IL 60601  
312.443.9603  
[www.rapevictimadvocates.org](http://www.rapevictimadvocates.org)

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

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

The Title IX Coordinator, Title IX Deputy Coordinator, Non-Professional Counselors & Advocates, and on-campus Confidential Resources, including Confidential Advisors, are available to assist victims with obtaining support from off-campus resources – i.e. making appointments or identifying appropriate sources of 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 victim and all students and employees. Among other factors, the College may weigh these additional confidentiality requests (including a victim'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 victim or others
  - Whether the Sexual Harassment was committed by multiple Respondents
- Whether the Sexual Harassment was perpetrated with a weapon

- Whether the victim is a minor
- Whether the College possesses other means to obtain relevant evidence of the Sexual Harassment (e.g. security cameras)
- Whether the victim'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 victim'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 victim's request for extra confidentiality, it shall assist the victim 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 victim is aware of his or her 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 his or her 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 victim to participate in any investigation or disciplinary proceeding.

Complainants should be aware of a Respondent's rights under 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. Where the Complainant requests that the College not disclose his or her identity and the Respondent makes a request under FERPA for education records, the College will either redact the Complainant's name and all information identifying the Complainant before allowing the Respondent to inspect and review the sections of the Complaint that relate to the Respondent, or inform the Respondent of the specific information in the Complaint that are about the Respondent.

**Section XII. Notice & The College's Obligation To Investigate.** Although Columbia encourages victims of Sexual Harassment to promptly disclose such 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 Victim. The Office for Civil Rights ("OCR") within the Department of Education deems a school to have notice of student-on-student Sexual Violence if a Responsible Employee knows, or in the exercise of reasonable care should have known, about alleged Sexual Violence. The College shall complete an adequate, reliable, and impartial investigation regardless of

how it received notice.

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’ Title IX rights at these events.

### **Section XIII. What Constitutes Sexual Harassment and Sexual Misconduct<sup>5</sup>**

**A. Sexual Harassment.**<sup>6</sup> 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 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.<sup>7</sup> Examples of behavior that may constitute Sexual Harassment include, but are not limited to:

- Sexual Violence (defined below);
- Sexual Exploitation (defined below);
- Stalking (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 perpetrated against a person’s will or where 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 Sexual Abuse as defined in the Illinois Criminal Code, and Rape and Fondling as defined in the Uniform Crime Reporting Program.

- “*Sexual Abuse*<sup>8</sup>” means, “any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to,

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<sup>5</sup> Based on 29 CFR 1604.11

<sup>6</sup> Such behavior may not constitute Sexual Harassment when engaged in for a valid academic purpose.

<sup>7</sup> This Policy prohibits “dating violence” and “domestic violence,” as such crimes are defined by the Final VAWA regulations (34 CFR 668) and/or prohibited under Illinois State law, if and to the extent such crimes are of a sexual nature or based on Gender.

<sup>8</sup> Definition adopted from the Illinois Criminal Code (720 ILCS 5/11-9.1B).

cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.”

- “*Rape*<sup>9</sup> means, “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”
- “*Fondling*<sup>10</sup>” means “the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.”

*Sexual Exploitation.*<sup>11</sup> Sexual Exploitation occurs when an individual takes non-physical, abusive or Non-Consensual, sexual advantage of another for the individual’s benefit or for the benefit of a third party or parties. Examples of sexual exploitation include but are not limited to: Non-Consensual recording or observing of sexual acts or individuals undressing, knowingly sharing such recordings or sexual acts without the Consent of all parties’ involved, prostitution, exposing one’s self to another, bullying of a sexual nature or based on gender, and knowingly transmitting sexually transmitted infections.

*Stalking.*<sup>12</sup> Stalking is “engaging in a course of conduct of a sexual nature or with a sexual component directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

- “*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.”
- “*Substantial emotional distress*” means, “significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.”
- “*Reasonable person*” means, “a reasonable person under similar circumstances and with similar identities to the victim.”

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

(1) Submission to such harassment is made either explicitly or implicitly a term or condition of an individual’s employment, education, or participation in other College activities; *or*

(2) Submission to or rejection of such harassment by an individual is used as the basis for a decision affecting that person’s employment, education, or participation in other College activities<sup>13</sup>; *or*

(3) Such harassment creates a hostile environment [defined in XIII(F)].

<sup>9</sup> Definition adopted from the FBI Uniform Crime Reporting Program.

<sup>10</sup> Definition adopted from the FBI Uniform Crime Reporting Program.

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

<sup>12</sup> Definition adopted partially from the Final VAWA regulations (34 CFR 668).

<sup>13</sup> XIII(a)(1) and XIII(a)(2) constitute “Quid Pro Quo Sexual Harassment”

**C. Consent and Unwelcome Conduct.**<sup>14</sup> Any behavior where all parties involved have not provided Consent constitutes Unwelcome Conduct and is Non-Consensual. Consent is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity.<sup>15</sup> Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. An individual's decision to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn by an individual at any time. Being intoxicated or otherwise impaired due to drugs and/or alcohol does not diminish one's responsibility to obtain Consent.

*Incapacity:* In some situations, the College may determine an individual to be incapable of giving Consent to sexual activity due to the circumstances, his or her age, or the behavior of another. Such situations may include, but are not limited to: incompetence, impairment from alcohol and/or drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment. Despite anything to the contrary, where a person is incapable of giving Consent, conduct of a sexual nature or gender is a violation of this Policy, provided that the Respondent knew or reasonably should have known of the person's incapacity.<sup>16</sup>

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

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

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<sup>14</sup> Definition adopted from Emory University's "Policy 8.2: Sexual Misconduct, Updated May 27, 2014."

<sup>15</sup> The Policy's definition of Consent is consistent with that in the Illinois Criminal Code for Major Sexual Offenses. Under 720 ILCS 5/11-1.70, "Consent" means, "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent."

<sup>16</sup> An exception exists where the Respondent did not know of the victim's impairment and could not have been expected to have known about such impairment, but the behavior nonetheless still violates Illinois Criminal Law (i.e. strict liability crimes). Such violations when of a sexual nature or gender-based constitute a violation of this

Policy.

**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(a)(1) and XIII(a)(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;
- 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; and
- A professor declining a student's request for a recommendation letter or an internship placement after the student refused the professor's sexual advances.

## **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, Complainant, victim, 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 or the Deputy Coordinator is conflicted, he or she 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, or a Deputy 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 Rikki Brown, the International Student and Scholar Coordinator in the Global Education Office, for assistance in reporting. Please contact the Global Education Office at the below address for information about the U nonimmigrant status, T nonimmigrant status, and possible visa issues relating to Sexual Misconduct (i.e. the requirement to maintain a full-time course load).

Rikki Brown  
International Student and Scholar Coordinator, Global Education Office  
600 S. Michigan, Room 201(a)  
312.369.7246  
ribrown@colum.edu

**6. Request To Withdraw A Complaint.** Under Title IX, 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. In some instances affecting many individuals, an alleged perpetrator may be able to be put on notice of allegations of harassing behavior and be counseled appropriately without revealing, even indirectly, the identity of the Complainant.

**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 his/her 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:

- Offering on-campus counseling to the Complainant at the College’s cost;

- Providing the Complainant with appropriate academic adjustments with the consultation of appropriate faculty members (such as changes in course schedules, tutoring, or the provision of alternative course completion options);
- Offering extracurricular accommodations to the Complainant;
- Changing the Complainant's living arrangements;
- Assisting with the Complainant's transportation to and from classes (to the extent practicable on Columbia's campus);
- Working with the Complainant to modify work schedules and other conditions;
- Obtaining and enforcing campus no contact orders (and honoring an order of protection or no contact order entered by a state civil or criminal court);
- Temporarily suspending the Respondent if the College determines that the Respondent poses a significant and immediate threat to an individual or that the Respondent's continued presence on campus is likely to create substantial disruptions; and
- Modifying the Respondent's academic, extracurricular, living, or other arrangements, while the investigation is pending.

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 minimizes the burden to the Complainant as well as 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 Complainant-specific remedial steps, the College may 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/victimization surveys, 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 his or her 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 moral support at any meeting, proceeding, or hearing under this Policy. This individual may sit next to the party but cannot participate in the meeting, proceeding, or hearing in any manner other than to request a short recess. The support person cannot be a witness. The Coordinator, in his or her 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 in connection with Title IX.

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

**1. Contacting a Responsible Employee.** As explained in Section IX, victims 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 will promptly provide all relevant information regarding the alleged misconduct (including, if known, the name of the alleged perpetrator, 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 injured party; the name of the alleged discriminator or harasser; a chronology of the relevant events, detailing dates, places, and times; a description of the offending behavior; the names of any witnesses to the behavior or persons with knowledge of the behavior, and a requested remedy, if applicable. 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.

The College understands that victims of Sexual Misconduct may experience difficulty recalling some details of an incident and that certain memories may become repressed. Accordingly, individuals should report as much information as they can initially but know that they may add to or otherwise modify a complaint at any time.

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

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

**5. What To Expect When Reporting.** The College realizes that it may be especially difficult for a victim or witness to come forward. Accordingly, to the extent practicable, the College's Responsible Employees shall endeavor to provide a supportive environment where victims and witnesses are comfortable reporting alleged misconduct. Before a victim reveals information that he or she may wish to keep as confidential, a Responsible Employee should make every effort to ensure that this individual understands: (1) the employee's obligation to report the names of the alleged perpetrator and alleged victim involved in the alleged Sexual Misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator, (2) the individual's option to request that the College maintain his or her confidentiality or not pursue a formal investigation, which the Coordinator will consider, and (3) the individual'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 victims 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 Title IX and this policy. The Title IX Coordinator, Title IX Deputy Coordinators, Non-professional Counselors & Advocates, and Confidential Resources, including Confidential Advisors, are available to assist Complainants with reporting to local law enforcement. The Chicago Police Department's 1<sup>st</sup> District central station is located at 1718 South State Street, Chicago, IL 60616. The 1<sup>st</sup> District is available by email at [CAPS001District@chicagopolice.org](mailto: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 victim 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 victim, the Coordinator shall endeavor to promptly contact the victim – if his or her identity is known – and inform him or her of the rights under this Policy, including but not limited to the right to participate in the investigation as a Complainant, to request confidentiality, and to ask the College not to pursue the Complaint. The Coordinator shall provide the victim with a concise synopsis written in plain English of the victim's rights and options under this Policy (within 12 hours after receiving an electronic report of Sexual Misconduct). The victim 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 victim 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 victim files the report, the victim 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 victim 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 victim 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, the Complainant may request that the College commence with the formal investigation and hearing procedures articulated below, that the College devise a plan to resolve this matter informally (a non-judicial approach without the possibility of formal discipline), or both. Neither approach is exclusive of the other; however, a Complainant's selection of an option may affect the College's ability to respond to the alleged misconduct.

The College will initiate informal measures only when: (A) the Complainant requests this approach, (B) the Respondent consents, and (C) the Title IX coordinator determines, in his or her sole discretion, that the College has adequate information regarding the scope of the alleged misconduct and that such a remedy will enable the College to promptly and equitably eliminate the alleged hostile environment. The Coordinator may postpone deciding the suitability of the informal approach until the below fact gathering is complete. The Coordinator or the Complainant, upon notice to the Coordinator, may end the informal process at any time. If the Complainant selected only to proceed informally, termination of this process will initiate the formal investigation and hearing procedures.

Informal resolution may include, but is not limited to, education programs or training, remedies that allow the Complainant to remain anonymous, College-supervised or third-party monitored communication between the Complainant and Respondent, or an interim measure or measures listed in section XIV(A)(7). Columbia will not require the victim to speak directly with the Respondent and the College and will never use mediation to resolve a sexual assault complaint.

**3. Fact Gathering and Procedural Equality.** Unless parties are proceeding exclusively with an informal approach, the assigned Investigator will broadly examine all relevant facts and circumstances of a claim. He or she 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 his or her 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 he or she 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 if he or she has a 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 shall always be a full-time faculty member or full-time staff member.

**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 his or her sole discretion, may redact portions of this material that he or she 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 he or she 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; he or she 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 additional trauma on the Complainant.
- 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 his or her 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 require Columbia students, staff, and faculty members to give testimony at the hearing. If a non-party individual cannot attend, the Lead may – in his or her 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 or other means.
- Title IX 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 does not require the Complainant's presence at the hearing.

**6. Evidentiary Standard & Determination.** The Hearing Panel shall examine all evidence received through the course of the investigation and hearing and, as required by the Office for Civil Rights, 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 other 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 Respondent is apologetic or has otherwise accepted responsibility, (f) deterrence considerations, (g) the probability that Respondent will offend again, 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 him or her and the rationale for such sanctions. In the notice to the Complainant, the Coordinator shall additionally disclose any offered remedies or accommodations, 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 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 and/or other remedies 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, sanctions, and remedies, 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 his or her sole discretion, may provide both parties with an opportunity to speak to the merits of the appeal in person 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 or remedies. Section XIV(C)(6) appeals are limited to the grounds that the imposed sanctions and/or other remedies 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.