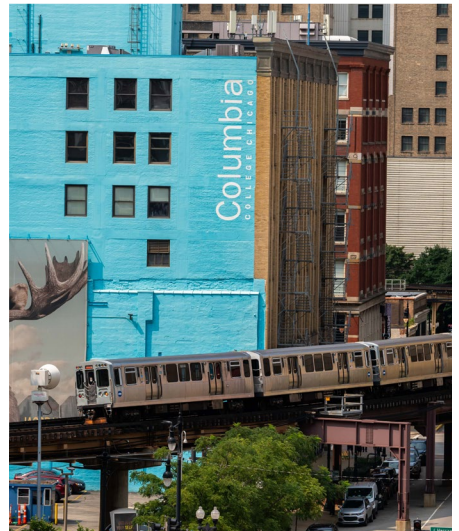


# THE ANNUAL SECURITY AND FIRE SAFETY REPORT

Published 2024 for the Jan. 1–Dec. 31, 2023 Reporting Period





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## OVERVIEW

### POLICY FOR PREPARING THE ANNUAL SECURITY AND FIRE SAFETY REPORT

Campus Safety and Security at Columbia College Chicago is dedicated to fostering public safety and securing a campus environment conducive to academic and creative excellence. With your cooperation and vigilance, Campus Safety and Security will continue to enhance and build upon this mission.

Columbia issues this report annually in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as amended by the Violence Against Women Reauthorization Act of 2013. We encourage you to review the Annual Security and Fire Safety Report in its entirety. The objective is to share information about campus crime and to educate our community about crime reporting, fire safety, and various security programs, policies, and procedures.

Campus Safety and Security created this report with information received from the Chicago Police Department, the Los Angeles Police Department, and designated campus officials, including personnel from Residence Life, Leased Residential Housing Partners, Student Health and Support, Student Services, and Human Resources.

Faculty, staff, and students are notified by email of the availability of the Annual Security and Fire Safety Report on the college website at [students.colum.edu/safety](https://students.colum.edu/safety).

Prospective employees and students have access to this information on Columbia employment and Admissions application forms as well as on the Campus Safety and Security website.

A printed copy of this report is available from Campus Safety and Security upon request. Questions or additional information regarding the report can be directed to the associate vice president of Campus Safety and Security at 312-369-3220.

## IMPORTANT CONTACT INFORMATION

### 911—FOR EMERGENCIES REQUIRING THE POLICE OR FIRE DEPARTMENTS

#### 24/7—Campus Security Command Center

Emergency 312-369-1111  
Non-Emergency 312-369-3220

#### Administrative Office— Campus Safety and Security

916 S. Wabash Ave., Room 505  
312-369-3220

#### Human Resources

624 S. Michigan Ave., Suite 600  
312-369-8215

#### Center for Student Wellbeing

623 S. Wabash Ave., Room 303  
312-369-8700

#### Security Posts

33 E. Ida B. Wells  
312-369-8888

72 E. 11th St.  
312-369-6112

600 S. Michigan Ave.  
312-369-7111

618 S. Michigan Ave.  
312-369-7888

623 S. Wabash Ave.  
312-369-7555

624 S. Michigan Ave.  
312-369-7666

754 S. Wabash Ave.  
312-369-7999

916 S. Wabash Ave.  
312-369-6444

1014 S. Michigan Ave.  
312-369-6222

1104 S. Wabash Ave.  
312-369-6888

1306 S. Michigan Ave.  
312-369-8326

1312 S. Michigan Ave.  
312-369-8383

1600 S. State St.  
312-369-3333

Los Angeles—Sunset Las Palmas Studios  
323-860-0002

#### Student Housing Facilities

University Center  
525 S. State St.  
312-924-8911

Dwight Lofts  
642 S. Clark St.  
312-288-3062

The ARC  
37 W. Van Buren St.  
312-674-6760

30 E. Balbo  
720-814-1968

The Flats  
829 S. Wabash Ave.  
312-939-0133

(Columbia College Chicago used this location in Fall 2023 and discontinued use at this location after Spring 2024)

Los Angeles—Park La Brea  
Security Department  
323-549-5504

Patrol 24/7  
323-549-5508

#### Equity Issues/Title IX Coordinator

623 S. Wabash Ave., Room 315  
312-369-6343

## COLUMBIA COLLEGE CHICAGO CAMPUS 2023 GEOGRAPHY

Columbia's Chicago campus is located in the vibrant South Loop neighborhood, nestled among public parks, hotels, and public transportation systems. The campus footprint consists of leased and owned properties serving a campus community of nearly 5,600 students, of which approximately 1,800 reside in on-campus student housing.

Columbia's Los Angeles classrooms are located at Sunset Las Palmas Studios, the longest continuously operated studio in the country. LA student housing is located at Park La Brea, a 160-acre community in the Miracle Mile district of LA.

### CHICAGO ACADEMIC AND ADMINISTRATIVE BUILDINGS

33 E. Ida B. Wells

72 E. 11th St.–The Theatre Center

600 S. Michigan Ave.–  
Alexandroff Campus Center

610 S. Michigan Ave. - Spertus Institute  
(leased space effective Fall 2021, discontinued use  
of this location at the end of Fall 2022.)

618 S. Michigan Ave.

619 S. Wabash Ave.

623 S. Wabash Ave.

624 S. Michigan Ave.

754 S. Wabash Ave.–Student Center

916 S. Wabash Ave.

1014 S. Michigan Ave.

1104 S. Wabash Ave.

1306 S. Michigan Ave.–The Dance Center

1312 S. Michigan Ave.–  
Sherwood Community Music School

1600 S. State St.–Media Production Center

### LA ACADEMIC AND ADMINISTRATIVE BUILDING

1040 N. Las Palmas Studios, Bungalow E

### CHICAGO LEASED RESIDENCE HALLS

525 S. State St.–University Center

642 S. Clark St.–Dwight Lofts

37 W. Van Buren St.–ARC

30 E. Balbo Ave.

The Flats

829 S. Wabash Ave.

(Columbia College Chicago used this location in  
Fall 2023 and discontinued use at this location  
after Spring 2024)

### LOS ANGELES LEASED RESIDENCE HALL

6200 W. 3rd St.–Park La Brea

### CHICAGO CAMPUS GREEN SPACES

1019 S. Wabash–Garden

## CAMPUS SECURITY OPERATIONS AND ENFORCEMENT AUTHORITY

### INTRODUCTION

Campus Safety and Security's foremost priority is the safety and well-being of our community. Our Chicago campus buildings and leased student residential housing facilities are interwoven among businesses, private residences, hotels, parks, restaurants, and museums. Public safety is a shared responsibility, and we welcome your partnership to help foster a safe campus committed to academic excellence and creative practice.

### PERSONNEL

The associate vice president of Campus Safety and Security leads the security team and its three branches:

- Field Operations
- Investigations and Compliance
- Emergency Management

The security force is non-sworn, unarmed, and does not have sworn arrest authority. Campus Safety and Security requires campus security personnel to either: (1) be graduates of a training academy certified by the Illinois Law Enforcement Training and Standards Board or (2) have successfully passed the State of Illinois Basic Security Course and be licensed by the State of Illinois Department of Professional Regulation. Required training includes first aid/CPR and the use of automated external defibrillators (AEDs). Security staff and supervisors undergo additional training on a variety of public safety topics.

Campus security officers exercise their authority by enforcing Columbia's regulations and policies on college private property and may ask any person for identification to determine whether individuals have

lawful business at the college. The campus community is encouraged to promptly and accurately report all crime to Campus Safety and Security and the local police department.

### CHICAGO DEPLOYMENT

Most campus buildings have a security station staffed by contracted security officers in the lobby. These fixed posts may be supplemented by either foot, vehicle, bicycle, or Segway personnel.

Student housing consists of leased properties. Leased residential facilities are staffed by security personnel provided, supervised, and managed by the individual property management companies. Entry into all Chicago residential facilities is restricted to residents, their approved guests, and other authorized persons. Access is monitored and regulated by the respective personnel assigned to the front desk.

The Campus Security Command Center is located at a secure location on-campus and staffed 24/7. The Command Center answers security telephone lines, dispatches resources, programs access control, and conducts alarm monitoring and video surveillance. The Command Center also includes an Emergency Operations Center (EOC). The Security administrative office is located at 916 S. Wabash Ave. in Room 505 and is open during regular business hours.

## LOS ANGELES DEPLOYMENT

Sunset Las Palmas Studios (SLPS) provides their own 24/7 on-site private unsworn security, which includes the college's classroom and administrative location. Security officers monitor and control access at studio entrances. Park La Brea provides their own 24/7 on-site private unsworn security, and they patrol the grounds, which include the locations of student housing. Neither SLPS nor Park La Brea security have sworn arrest authority, and there is no formal written memorandum of understanding with the Los Angeles Police Department; however, they work together with LAPD as appropriate to investigate incidents that occur on their property.

## RELATIONSHIPS

The college does not have a formal written memorandum of understanding (MOU) with the Chicago Police Department or Los Angeles Police Department.

A representative from Campus Security is a formal member of the Chicago Police First District's Advisory Council and regularly attends Chicago Police Department-sponsored business and community meetings. Campus Security is a member of the Security Council of Professional Educators (SCOPE), a higher education security working group. Membership includes representatives from campus security at higher education institutions located in the Chicago area, along with representatives from city and federal law enforcement agencies. Training, discussion of criminal activity, and legislative updates affecting college campuses are presented at these forums.

Campus Security is also a member of the South Loop Security Chiefs, a consortium of campus security leaders in the South Loop of the city.

Campus Security is also a member of the Chicago Building Owners and Managers Association's (BOMA) Emergency Preparedness Committee and participates in their meetings and exercises.

LA staff and Campus Security liaise as needed with the senior lead officer at the Hollywood Area Police Division for SLPS and the Wilshire Area Police Division for Park La Brea.

Awareness and prevention are crucial to overall campus safety, and we welcome your personal involvement. Campus Security adopts the U.S. Department of Homeland Security's slogan. "If You See Something, Say Something."



## CRIME STATISTICS: CLASSIFYING AND COUNTING CLERY ACT CRIMES

### Classifying Crime

Campus crime, arrest, and referral statistics include those reported to Campus Safety and Security, designated campus officials, including campus security authorities and local law enforcement. The following reported statistics cover the period from January 1 through December 31 for each specified year.

Statistical crime data is provided with the standards and guidelines used by the FBI Uniform Crime (UCR) program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR program. The definitions of Fondling, Incest, and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. For the categories of Domestic Violence, Dating Violence, and Stalking, the Clery Act specifies usage of definitions provided by the Violence Against Women Reauthorization Act of 2013.

### Counting Crime

Statistical crime data is provided for the past three calendar years in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the federal laws articulated in the Clery Act. Data included in the statistics column for Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Domestic Violence, Dating Violence, Stalking, Sex Offenses, Aggravated Assault, and Motor Vehicle Thefts

represent the number of victims in the crime occurrence. Similarly, cases involving arrests for Liquor Law, Drug Law, and Illegal Weapons violations are recorded per person. Statistics captured under "Referred for Disciplinary Action" reflect the number of individuals in a reported incident submitted to a campus official authorized to administer and maintain a record of disciplinary action. Statistics recorded for Robbery, Burglary, and Arson indicate the number of occurrences.

### Geographic Locations

Crime statistics are categorized in four locations: on-campus, on-campus residential, non-campus, and public property. In Chicago, academic and administrative buildings are categorized as on-campus property. All Chicago residence halls are categorized as on-campus student housing facilities. In California, Sunset Las Palmas Studios is categorized as an on-campus property, and Park La Brea is categorized as a non-campus property.

Specific statutory definitions of these geographic areas are as follows:

- **On-Campus**—Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

- **On-Campus Student Housing Facility**– Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus. Student housing facilities may include lease agreements with other entities, individuals and neighboring higher educational institutions. Data reported in this category may include reported crimes that occurred in spaces occupied by other tenants.
- **Non-Campus**–Any building or property owned or controlled by a student organization recognized by the institution and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property**–All public property, including thoroughfares, streets, sidewalks and the opposite side of street and the parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

For additional information and additional crime statistics covering areas beyond the campus geography as defined by the Clery Act, please visit:

The Chicago Police Department website:

<https://gis.chicagopolice.org/>

The Los Angeles Police Department website:

[http://www.lapdonline.org/crime\\_mapping\\_and\\_compstat](http://www.lapdonline.org/crime_mapping_and_compstat)

## GENERAL CATEGORIES OF CRIME STATISTICS

The Clery Act requires the college to include four general categories of crime statistics:

- **Criminal Offenses**–Criminal homicides, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault including Rape, Fondling, Incest, and Statutory Rape; Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft; and Arson.
- **Hate Crimes**–Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction; Damage/Vandalism of Property that were motivated by bias.
- **VAWA Offenses**–Any incidents of Domestic Violence, Dating Violence and Stalking. (Note: Sexual Assault is also a VAWA offense but is counted in the Criminal Offenses Crime Statistics table.)
- **Arrests and Disciplinary Referrals for Violations of Weapons, Drug Abuse, and Liquor Laws**–Arrest for Clery Act purposes is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

For reference, U.S. Department of Education Crime Definitions can be found in Appendix 1.

## COLUMBIA COLLEGE CHICAGO CRIME STATISTICS 2023

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	9	5	0	0
	2022	1	1	0	0
	2021	3	3	0	1
Fondling	2023	5	3	0	1
	2022	3	2	0	1
	2021	2	2	0	2
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	3
	2022	4	1	0	8
	2021	1	1	0	5
Aggravated Assault	2023	1	1	0	5
	2022	0	0	1	4
	2021	0	0	0	5
Burglary	2023	1	0	0	0
	2022	1	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	9
	2022	0	0	0	23
	2021	0	0	0	19
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Unfounded Incidents	2023	0 Unfounded Incidents			
	2022	0 Unfounded incidents			
	2021	0 Unfounded Incidents			

**COLUMBIA COLLEGE CHICAGO VAWA / HATE CRIME STATISTICS 2023**

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2023	1	1	0	0
	2022	1	1	0	1
	2021	0	0	0	3
Dating Violence	2023	5	5	0	4
	2022	1	1	0	3
	2021	0	0	0	1
Stalking	2023	9	3	0	0
	2022	9	4	0	0
	2021	8	3	0	0
Hate Crimes	2023	0	0	0	0
	2022	One on-campus student housing incident characterized by race.			
	2021	0	0	0	0

## COLUMBIA COLLEGE CHICAGO ARRESTS AND DISCIPLINARY REFERRALS REPORTING 2023

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons, Carrying, Possessing, Etc.	2023	1	1	0	2
	2022	0	0	0	0
	2021	0	0	0	3
Disciplinary Referrals: Weapons, Carrying, Possessing, Etc.	2023	0	0	0	0
	2022	3	3	0	0
	2021	3	3	0	0
Arrests: Drug Abuse Violations	2023	0	0	0	1
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2023	44	44	0	0
	2022	12	12	0	0
	2021	33	33	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2023	143	143	0	0
	2022	152	152	0	0
	2021	71	71	0	0

**SEMESTER IN LA CRIME STATISTICS 2023**

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Unfounded Incidents	2023	0 Unfounded Incidents			
	2022	0 Unfounded incidents			
	2021	0 Unfounded incidents			

**SEMESTER IN LA VAWA / HATE CRIME STATISTICS 2023**

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Hate Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

**SEMESTER IN LA ARRESTS AND DISCIPLINARY REFERRALS REPORTING TABLE 2023**

Offense	Year	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons, Carrying, Possessing, Etc.	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessing, Etc.	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Drug Abuse Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0



## CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS AND POLICIES

Campus Safety and Security conducts presentations and/or distributes material throughout the year on the following crime prevention and safety topics:

### **Chicago Programs:**

- **Navigating the City with Confidence**
- **Kick @\$\$ (personal safety)**—Learn how to navigate the campus and city with confidence, repel an attack with self-defense techniques, understand the effects of trauma, and discover on-campus resources for support and safety. Also learn about the U.S. Department of Homeland Security's Run-Hide-Fight program. Understand the dynamics of an active shooter event, police/security response, and keeping yourself safe.
- **Active Shooter for Faculty and Staff**—Learn more about the U.S. Department of Homeland Security's RUN-HIDE-FIGHT program. Understand the dynamics of an active shooter event, police/security response, and keeping yourself safe.
- **Fire Safety**—This training is geared toward members of the volunteer Emergency Evacuation Team (EET). The team assists in the safe evacuation of individuals from a building once emergency evacuation procedures commence.

### **LA Programs**

- Earthquake and Safety presentations and Annual California Great Shake out
- Park Le Brea security orientation and evacuation procedures
- Sunset Las Palmas Studios Evacuation Orientation

Brochures and videos addressing safety and security both on- and off-campus are available at the Campus Safety and Security office and on the website [students.colum.edu/safety](https://students.colum.edu/safety). Posters identifying emergency response procedures are posted throughout campus buildings.

Safety and security precautions are also addressed during orientation and in campus Crime Advisories shared with the college community by Campus Safety and Security.

Campus safety is the responsibility of the entire Columbia community. All programs encourage students and staff to be responsible for their own safety and the security of others.

### **VIOLENCE PREVENTION EFFORTS**

In accordance with the Illinois Campus Security Enhancement Act of 2008, a **Violence Prevention Plan** has been designated to proactively address and promote the welfare, health, and safety of the campus community. Inherent in the plan are college policies related to violence prevention, reporting, and the availability of a Campus Behavioral Threat Assessment Team. This team is tasked with administering the principles of early intervention and proactive engagement to prevent violence and to offer support services. Individuals exhibiting disturbing and/or potentially violent behavior that do not pose an imminent threat to the safety, health, or security of the campus community should be reported to any of the following offices:

- Campus Safety and Security: 312-369-3220
- Dean of Students/Student Support Services: 312-369-8595
- Human Resources: 312-369-8215

## WEAPONS POLICY

To ensure a safe and secure environment for the college and its guest, this policy sets forth rules governing the possession of weapons and simulated weapons upon premises owned or controlled by the college and at college sponsored events in other locations.

### Scope

This policy applies to all students, faculty, staff and contactors.

### Defined Terms

*Contractor tools:* Tools used by contracted workmen.

*Simulated weapon:* Refers to facsimiles of any category of weapon described below that resemble the actual weapon but are not capable of use as a weapon.

*Theatrical use:* Refers to use in a stage or film production sponsored by the college, including during rehearsals.

*Weapon:* Instruments used to inflict physical harm, that are intended to inflict harm, or that could reasonably cause fear of infliction of harm, and any item that may be deemed weapons under applicable law, including but not limited to: a pistol, revolver, shotgun, rifle, firearm, stun gun, BB or pellet gun, blank firing gun, electric dart gun, and other instrument that launches a projectile by pressure resulting from combustion of propellant material, including a weapon related to or using air, sound, flare, hunting, or springs; bombs, grenades, mines, explosives, fireworks or other incendiary devices (which can include “ignition devices” and aerosols); daggers, clubs, electrical weapons, nunchucks, throwing stars, stilettos, swords, switchblade knives, gravity knives, and knives having a blade exceeding four inches in length; tasers; and parts, components, spare parts, or ammunition relating to the above; but excluding Workshop tools.

*Workshop tools:* Tools used for the construction or modification of production sets and design displays.

### Policy Statement

The college strictly prohibits the use or possession of any weapon by any person in any and all college facilities (whether academic, residential, or other) that are owned, leased, or otherwise controlled by the college, or other locations during college sponsored events, except that bladed weapons may be used or possessed exclusively for theatrical use with the advance written approval of the relevant chairperson. Simulated weapons are allowed with advance written approval from the relevant chairperson and the AVP of Campus Safety and Security for theatrical use only. See theatrical use requirements in the section below. Under no circumstances are weapons utilizing blanks allowed on campus or at off campus college activities.

This prohibition does not apply to sworn federal, state or local law enforcement officers.

The college does allow the possession of pepper spray. This exception is provided as a consideration to the college’s employees and students for personal safety while commuting to and from the school. Only one pepper spray canister, not exceeding 118 mL (4 ounces) by volume, that incorporates a positive means to prevent accidental discharge (e.g., a safety mechanism) is allowed per individual.

Workshop tools and Contractor tools should never be taken out of their designated areas and must be used in compliance with all departmental and college safety guidelines. For safety guidelines when using these tools, please refer to the department chairperson.

### Theatrical Use

An individual shall not possess or use a simulated weapon for theatrical use at the college without the advance written consent of: (a) the department chairperson overseeing the relevant stage or film production or course sequence, and (b) the AVP of Campus Security and Safety. Bladed weapons may be used with the consent of the department chairperson. The procedures and guidelines listed below, as well as any additional requirements

provided to the department by the AVP of Campus Safety and Security, must be strictly followed.

Except as provided otherwise in writing by the AVP of Campus Safety and Security, the following terms shall apply to any possession or use of a simulated weapon for theatrical use:

- The approved weapon may only be used during the time and in the manner specified in the written approvals granted by the department chairperson and the AVP of Campus Security and Safety.
- All local orders and regulations must be followed when weapons are in use. The AVP of Campus Safety and Security may require a review and approval from the General Counsel's Office prior to the activity.
- Bladed weapons utilized in courses and productions may be checked out and used according to established and approved departmental policies. These weapons may not leave the building without written permission of the responsible instructor.
- Whenever an approved weapon is transported from one location to another, including within the same building, it must be placed in a secure container in such a manner that it cannot be observed.
- The individual to whom written permission has been granted to possess a weapon must always maintain custody of the weapon and may not transfer custody of the weapon to any person not specified in the written permission. The written permission must always accompany an individual's use of a weapon.
- The individual to whom permission has been granted to possess a weapon shall not drink alcoholic beverages or engage in any reckless behavior while in possession of a simulated weapon.

- When not in use for a theatrical production, the weapon must be securely stored in an area approved by the department chair. Under no circumstances may weapons be stored in any other spaces.
- An instructor must be present at all times when the weapon is not secured in the approved storage area.
- Weapons are never permitted in the college's residential facilities.
- Under no circumstances may students bring their own weapons to campus.
- Students are limited to using weapons supplied by the college.

#### **Roles and Responsibilities**

Employees, students and contractors of the college are responsible for reading, understanding, and complying with the statements in this policy. Any violation of the policy should be reported immediately to Campus Security.

All simulated weapons and bladed weapons on campus for theatrical use shall be documented and appropriately inventoried on an annual basis by the department. A current listing of these weapons shall be maintained at all times and shared with the AVP of Campus Security and Safety.

#### **Weapons Policy**

### **DRUG AND ALCOHOL AND SUBSTANCE ABUSE POLICIES**

Columbia complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, which recognizes that all employees and students have the right to a workplace and educational environment that is drug free. The manufacturing, possession, use, sale, or distribution of any substance or paraphernalia declared illegal by municipal, state, or federal

law is prohibited in student residential facilities and on college property or at college-sponsored events held off campus. Failure to comply with this legislative mandate and college policy will result in disciplinary action and may result in termination of affiliation with the college and prosecution of a criminal offense.

An illegal drug includes any drug that is not legally obtainable in the United States, or that is legally obtainable, but is being used in a manner different from that prescribed by a doctor of medicine or intended by the manufacturer. Over-the-counter or prescription medication, which is prescribed by a doctor and is being used for its intended purpose, is not considered an illegal drug.

Students, regardless of age, are not permitted to possess or consume alcohol on campus or at college-sponsored events on or off campus. Faculty, administration, and staff are prohibited from serving or allowing students to consume alcoholic beverages on college premises or at events, meetings, or informal gatherings sponsored by the college.

In the event that students are present at a college-sponsored event where alcohol is being served, event organizers are required to take measures to ensure that students do not consume alcohol. The Vice President of Student Affairs can make exceptions to this policy as appropriate. Violation of this policy will result in disciplinary action, which may include immediate suspension or expulsion of students, or in regard to employees, suspension without pay or termination.

Columbia recognizes the dramatic impact the abuse of alcohol and drugs can have on professional, academic, and family life, and offers the following resources for support and assistance:

### **Policy**

#### **Drug-Free Schools and Campuses Act Policy**

### **On-Campus Resources**

- Faculty/Staff Employee Assistance Program:  
800-807-7535
- Office of The Center for Student Wellbeing:  
312-369-8700
- Office of Student Health and Support Services:  
312-369-8595

### **Off-Campus Resource**

- Chicago Alcoholics Anonymous:  
312-346-1475

### **Los Angeles Resources**

- LA County Department of Mental Health:  
800-690-7771
- Therapy/Coaching for Young Adults:  
Social Coaching Club:  
818-379-3340

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES AND CAMPUS RESIDENCES

### CHICAGO ACADEMIC AND ADMINISTRATIVE BUILDING ACCESS

During regular business hours, Columbia buildings are open to the college community, guests, and persons with legitimate college business. The hours of operation for the campus vary based on the building location and the academic school year. During non-business hours, access to campus facilities is strictly prohibited. Requests for extended building hours are subject to approval by Facilities and Operations and the scheduling of a security officer. For more detailed information regarding building hours, please visit [students.colum.edu/space](https://students.colum.edu/space).

The security officer assigned to a campus building assists with monitoring public access into the building. Each faculty, staff, and student is issued a Columbia photo identification card (ID). This card may be used for vending, building access for identification purposes, and is required to be in their possession at all times while on campus. Employees and students who have lost their Columbia ID may check with Campus Safety and Security or purchase a replacement at the Campus Card Office located in the 600 S. Michigan Ave. building.

All contractors and vendors are required to present an official government ID and register at Campus Safety and Security and/or the security station of a campus building prior to entry. Persons who violate the access policy or directives of a security officer may be subject to disciplinary procedures or arrest for criminal trespass.

### SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

Consideration is given to security in maintenance of campus facilities for example: both Campus Security and Facilities personnel monitor and inspect the campus for any lighting outages or inoperable emergency telephones. Community members may also report security maintenance concerns by [submitting a 360 request](#) and sending an email to: [securitycommand@colum.edu](mailto:securitycommand@colum.edu).

### CHICAGO RESIDENTIAL FACILITY ACCESS

Access to student residential facilities is restricted to residents, their approved guests, and authorized persons. Access is monitored by personnel assigned to the front desk and regulated by IDs. Policies and procedures pertaining to guest privileges are governed by individual student housing facility management and may include the relinquishing of a guest's official state identification for registration purposes. Residents are cautioned against permitting strangers access to student residential facilities and are encouraged to maintain a community watch for suspicious activity or behavior. Individual apartments are secured with locks.

### LOS ANGELES ACADEMIC AND ADMINISTRATIVE BUILDING ACCESS

LA academic and administrative offices are located at Sunset Las Palmas Studios. Sunset Las Palmas Studios posts a security officer at the studio lot entrances and access is restricted. A security officer is also posted at the Sunset Las Palmas Studios parking lot.

### LOS ANGELES RESIDENTIAL FACILITY ACCESS

Park La Brea contracts with a private security force that provides roving courtesy patrol across the 160-acre apartment complex. Security officers are assigned to entry points on the Park La Brea grounds to enforce parking restrictions. Individual Park La Brea apartments are secured with locks.



## REPORTING AND RESPONDING TO CRIMINAL ACTIONS OR OTHER EMERGENCIES OCCURRING ON CAMPUS

### CRIMINAL ACTS AND CAMPUS SAFETY CONCERNS

#### Emergencies

For purposes of supporting timely warnings and statistical disclosures, Columbia community and guests are strongly encouraged to provide accurate and timely reports of all criminal incidents or campus safety security concerns. Reports of criminal offenses may also be made directly to the local police department.

Emergency Call Boxes, located throughout each Chicago building, provide direct access to Campus Security. If appropriate, security personnel will be dispatched to your location to address your concern. Please familiarize yourself with the location of these devices across the campus.

Campus Security may respond and assist police, fire, or emergency medical services to mitigate, investigate, and document any Chicago campus emergency situation.

#### Criminal Acts

Columbia community and guests are strongly encouraged to report all criminal incidents or campus safety security concerns to the Security Command Center and may also report criminal offenses directly to the local police department.

In addition, within the college community, criminal offenses may be reported to all security personnel and campus security authorities (CSAs) listed below. To find CSA contact information, please visit the online campus directory at [directory.colum.edu](http://directory.colum.edu).

- Associate Vice President and Dean of Students and staff
- Associate Vice President of Human Resources and staff
- Associate Dean of Student Health and Support and staff
- Associate Dean of Student Life and staff
- Assistant Provost of Global Education and staff
- Director of Student Organizations and staff
- Associate Dean of LA Programs and staff
- Coordinator of Fitness, Athletics, and Recreation
- Director Residence Life and staff
- Resident Advisors
- Student Residential Properties Security and staff
- Equity Issues and Title IX Coordinator and staff
- Director of Student Engagement and Multicultural Affairs and staff

The college does not have officially recognized student organizations with residential facilities off campus. The local authorities may notify Campus Safety and Security of off-campus criminal conduct and such conduct may result in judicial proceedings. There is not, however, an official CPD or LAPD policy regarding mandatory notification to higher educational institutions.

## Campus Safety Concerns

The cooperation and involvement of faculty, staff, and students are necessary to maintain an effective security program.

The college community is asked to assist with the reporting of any hazardous situation. Hazards such as missing fire extinguishers, obstructed emergency exits, multiple or frayed electrical extension cords, candles, open flame devices, or improperly contained hazardous materials may be reported to the Security Command Center. A follow-up investigation will be conducted by Campus Safety and Security and/or Facilities and Operations.

To minimize the chances of becoming a victim of a random theft, the college community is asked to be mindful of their surroundings and assume responsibility for the safeguarding of personal property. Items of value such as laptops, cell phones, wallets, and book bags should never be left unattended. Anyone missing property should check with the security officer in the lobby of the campus building where the item was left or with Campus Safety and Security to see if the item was turned in. Please refer to [students.colum.edu/safety](https://students.colum.edu/safety) for additional suggestions on campus safety and the safeguarding of personal property.

Columbia promotes a caring, supportive community. We request the involvement of our stakeholders to assist in identifying and reporting emotionally distressed individuals who may be in need of support services. In life-threatening emergencies, contact the local authorities by dialing 911, followed by a call to the Security Command Center at (312) 369-1111. Security may be dispatched to the location to assist law enforcement or emergency responders. Individuals exhibiting disturbing and/or potentially violent behavior that do not pose an imminent threat to the safety, health, or security of the campus community should be reported to any of the following offices:

- Campus Safety and Security: 312-369-3220
- Dean of Students/Student Support Services: 312-369-8595
- Human Resources: 312-369-8215

Additional resources for students and employees may be found at:

### Students

Center for Student Wellbeing:  
623 S. Wabash Ave, Room 303, 312-369-8700

### Employees

Human Resources: 312-369-8215  
Employee Assistance Program: 800-807-7535

## Confidential Reporting

A student who is a victim of a crime and does not want to pursue action within the college or the criminal justice system may consider making a confidential report to a counselor in the Center for Student Wellbeing office. Information shared by students in a counseling session through the Center for Student Wellbeing office is confidential and is not disclosed without the individual's written permission, except when in the judgment of the counselor, such disclosure is necessary to protect the student or others from serious harm or when such disclosure is required by law. Unless the crime has been previously reported to security personnel or another office on campus, crimes confidentially reported to the Center for Student Wellbeing office are not included in the Annual Security and Fire Safety Report. With the student's permission, a detailed report will be filed without revealing the identity of the reporting party. With such information, the college can keep an accurate record of the number of incidents involving students, determine the pattern of crime with regard to a particular location, assailant, and other critical information, and also alert the campus of potential danger. All reports filed in this manner are counted and disclosed in the Annual Security and

Fire Safety Report. Students seeking more information may contact The Center for Student Wellbeing at [wellbeing@colum.edu](mailto:wellbeing@colum.edu) or 312-369-7861, or visit the Advising Center at 623 S. Wabash Ave., Suite 303 and 304.

### **Whistleblower Hotline**

Columbia expects that its employees and students will act ethically, with integrity, and will abide by all college policies and rules. While the college encourages individuals to report inappropriate conduct through standard lines of communication, there are times when reporting to an immediate supervisor (for staff) or to a faculty member or administrator (for students) may be inappropriate or uncomfortable. Accordingly, employees, students, and third parties who suspect any violation of college policies or applicable federal, state, or local laws and regulations (“Misconduct”) may instead make an anonymous report with the independent firm EthicsPoint online or to the Whistleblower telephone hotline. The Whistleblower Hotline is available around-the-clock, seven days a week.

### **How to Report**

Online: An individual may make an online report by completing and submitting the form available at [colum.ethicspoint.com](https://colum.ethicspoint.com). By Phone: Dial toll-free within the United States, Guam, Puerto Rico, and Canada: 844-406-8158 to speak with a live operator.

### **Retaliation Prohibited**

It is a violation of this policy to retaliate in any way against an individual who has reported Misconduct or otherwise assisted in an investigation under this policy. The college will promptly investigate any claim of retaliation. Retaliation is grounds for disciplinary action, up to and including termination or expulsion.

### **More Information About the Policy**

<https://about.colum.edu/whistleblower>

## **EMERGENCY NOTIFICATION AND TIMELY WARNINGS: ALERTING THE COLLEGE COMMUNITY**

### **Emergency Notification Policy and Procedures**

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the college community, Columbia will immediately take into account the safety of the community, determine the content of the notification, and initiate the notification system—unless issuing a notification, in the professional judgment of responsible authorities, will compromise efforts to assist a victim, contain, respond to, or otherwise mitigate the emergency.

The following represents the emergency notification procedure:

- Confirmation of an incident that threatens the health or safety of the college community is conducted by Campus Safety and Security and/or Facilities and Operations through the Incident Assessment Task Force.
- Activation of the emergency notification systems is authorized by the associate vice president of Campus Safety and Security, Associate Dean of LA Programs, Chief of Staff, or the President of the college.
- A message alerting the college community of the threat is drafted by authorities in Campus Safety and Security and/or Strategic Communications and External Relations.
- Activation of the emergency notification systems is initiated by the associate vice president of Campus Safety and Security, assistant vice president of Strategic Communications and External Relations, associate vice president of Technology Services, Information Technology, or their designated staff.



- Notification to neighboring institutions, local businesses, and/or the media will be conducted by the associate vice president of Campus Safety and Security and/or assistant vice president of Strategic Communications and External Relations, or their designated staff.

Immediate notification of a threat to the health and/or safety of college members may be distributed to either a segment of the population or the entire campus community, depending on the scope of the threat. The methods of notification may include activation of mass notification systems and/or the college website's homepage. Updates to any emergency situation on campus may be found on our website [colum.edu](http://colum.edu) or by calling the college at 312-369-6969.

### Timely Warnings

If a situation arises which constitutes an ongoing serious or continuing threat, the associate vice president of Campus Safety and Security will use their judgement to determine if a campus-wide timely warning (crime advisory) will be issued. The decision to issue a timely warning will be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as:

- The nature of the crime that triggered the warning
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts.

A timely warning may be issued for a Clery Act crime that occurs on Columbia campus Clery defined geography that is reported to campus security authorities or the local police department. Additionally, a timely warning may be issued when Campus Safety and Security is aware of a crime report that is considered by the AVP to represent

a serious or continuing threat to students and/or employees.

The responsibility for issuing the timely warning rests with the AVP. In the AVP's absence, the responsibility cascades to the: (1) investigative services director; (2) operations director; then the (3) emergency management director.

Crimes occurring on Columbia's Clery defined geography include those on campus property, on public property within or immediately adjacent to campus property, and in or on non-campus buildings or property that Columbia owns or controls. The crimes are defined by the U.S. Department of Education using the Federal Bureau of Investigation's Uniform Crime Reporting (UCR)/National Incident Based Reporting System (NIBRS) crime classifications.

The content and amount of information included in the timely warning is intended to enable members of the campus community to protect themselves from further occurrences, while maintaining the confidentiality of the victims. These notices will vary based upon the nature of the threat, the amount of information available to Campus Safety and Security, and the risk of compromising law enforcement efforts. The timely warning will usually include information that:

- Identifies or describes the crime that occurred
- Identifies the date, time, and location of the crime
- Includes precautionary measures

The timely warning shall be: (1) drafted by the investigative services director or other senior command member, (2) disseminated to students, faculty, and staff via the college email system, and/or (3) posted on the Campus Safety and Security website at [students.colum.edu/safety](http://students.colum.edu/safety).

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### Emergency Response and Preparedness

Recognizing the importance of emergency preparedness, Columbia College Chicago has created a written document, "The Emergency Operations and Management Plan," outlining the college's response and recovery to any emergency or crisis that "threatens the college populations, programs, properties, reputation, and viability." Training on the plan is conducted on an annual basis for the Emergency Policy Group and may include table-top exercises, along with tests of the emergency notification systems. Business continuity planning may be conducted by individual departments. Chicago campus buildings are equipped with life safety equipment, including AEDs, fire and intrusion alarms, and emergency call boxes. The Emergency Call Box is a two-way communication system located throughout Chicago campus buildings that connects directly to Security. In addition, the college utilizes an emergency mass notification system that delivers email, cell phone, and/or text messages pertaining to information and responses critical to incidents occurring on campus. Students register their contact information and preferences in the MyColumbia portal and employees through the Intranet. Detailed instructions on updating contact information can be found at:

#### Students

[Updating Everbridge Security Notification Preferences](#)

#### Employees

[Updating Everbridge Security Notification Preferences](#)

### Emergency Evacuation Procedures

As a matter of public safety, the college elicits the support of volunteer staff trained as Floor Wardens in fire safety, emergency evacuation procedures, and security awareness. Fire drills are conducted in student housing facilities and are recorded for assessment purposes.

Individuals should become familiar with emergency exits, stairwells, and locations of Emergency Call Boxes in each Chicago building and actively participate in all evacuations. Emergency response procedures and evacuation maps are posted on every floor, identifying the evacuation routes and areas of rescue assistance.

Individuals unable to safely and expeditiously maneuver the stairs or fire escapes due to permanent or temporary disability may need additional response assistance in the event of an emergency evacuation. These individuals are encouraged to voluntarily disclose by registering in OASIS if they are a student or self-identify in advance with Human Resources that they are a faculty or staff member. The college's certified Fire Safety Director (FSD) obtains an official list of persons that have self-identified as requiring special assistance every semester. Additionally, each building's security station has a copy of this list. In the event of an actual emergency, this list will be furnished to first responders for purposes of safely and quickly evacuating such individuals in emergency situations. Furthermore, these persons with special needs are strongly recommended to prepare for emergencies in advance by familiarizing themselves with the location of emergency evacuations routes.

In the event of a fire or smoke condition, activate the building fire alarm system. Do not attempt to extinguish a fire unless it is impeding your exit. If you hear the fire alarm, always assume a fire exists and leave the building immediately.

In the case of an emergency evacuation:

- Cease all activity and immediately proceed to the nearest exit.
- Check the surface of the door and/or doorknob for heat and the bottom of the door for signs of smoke before opening it and exiting a room. Slowly open the door, keeping the door between you and the corridor. Make a visual observation of the corridor for fire or smoke and proceed to the nearest exit.
- Ensure all doors are closed behind you.
- Follow the direction of the Floor Warden, and leave the building via the safest and nearest available stairway exit.
- If you are an individual requiring assistance, call 911 and advise the first responders of your location.
- Do not use elevators.
- Evacuate away from the building and await direction from first responders and security personnel.

In the event all exits are blocked:

- Notify 911.
- Go to the nearest room and close the door.
- Place cloth under the door to prevent smoke from entering the room.
- Hang a cloth or other object out of the window to signal that the room is occupied.
- Stay as close to the floor as possible when smoke enters a room.
- Use the fire escape as a last resort if other exits are blocked.

For more detailed procedures regarding emergency evacuations and procedures, visit the Campus Safety and Security website at [students.colum.edu/safety](https://students.colum.edu/safety).

## POLICIES, PROCEDURES, AND PROGRAMS: DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

The College's Anti-Discrimination & Harassment Policy, Appendix A (Title IX Sex Discrimination and Sex-Based Harassment Policy) form a part of this Annual Security Report and are hereby incorporated by reference. Those policies can be found in their entirety at:

### **Anti-Discrimination & Harassment Policy**

*The below is excerpted from pages 1-2 of the Anti-Discrimination & Harassment Policy.*

### **STATEMENT OF POLICY**

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

No member of the Columbia community shall engage in discrimination or harassment in any program, activity, or place over which Columbia exercises control. It is expected that every member of our community will take responsibility for refraining from any form of discrimination or

harassment, reporting any incident that is made known, cooperating in preventing such behavior, and assisting with corrective measures when, despite Columbia's serious commitment, these acts occur.

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

The purpose of this policy is to:

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

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

All complaints will be taken seriously, and no one reporting harassment or discrimination will suffer retaliation or reprisal by the College. Complaints of harassment and/or discrimination will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and to

take corrective action. If it is determined through an appropriate and prompt investigation that harassment or discrimination has occurred, effective corrective action will be taken to stop the conduct and to attempt to ensure that it does not reoccur. Depending on the circumstances and the severity of the conduct, corrective action could range from an oral/written warning to dismissal or expulsion.

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

#### **Coordination of Sex Discrimination Policies**

Columbia College Chicago does not discriminate on the basis of sex and prohibits “Sex Discrimination” in its “Education Programs or Activities” as required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1974, and other applicable state and local laws. The College’s prohibition on Sex Discrimination extends to all aspects of its operations, including admissions and employment. The College also prohibits various forms of retaliation as provided by law. Reports and complaints of Sex Discrimination may be made to the College’s Title IX Coordinator, whose contact information is specified below.

Neil Calliccoat, M.B.A.

Title IX Coordinator and Director of Equity Issues  
623 S. Wabash Ave. Suite 303  
312-369-6343

[ncalliccoat@colum.edu](mailto:ncalliccoat@colum.edu)

The Title IX Sex Discrimination and Sex-Based Harassment Policy (the “Title IX Policy”) governs all allegations of Sex Discrimination and Sex-Based Harassment, as those terms are defined by Title IX and the Title IX Policy. The Title IX Policy is attached as Appendix A and incorporated into this Policy.

The reporting and investigatory steps outlined in Section VIII(B) of this Anti-Discrimination & Harassment Policy govern unwelcome behavior of a sexual nature or based on sex that is inconsistent with the college’s educational mission but outside the scope of the Title IX Policy. The Title IX Coordinator is responsible for determining the applicability of the foregoing policies. Any inconsistencies among the policies will be resolved by giving precedence to the Title IX Policy.

#### **REAUTHORIZATION OF VIOLENCE AGAINST WOMEN ACT OF 2013**

In accordance with the Reauthorization of Violence Against Women Act of 2013 (VAWA), Columbia College Chicago prohibits incidents of domestic violence, dating violence, sexual assault, and stalking.

#### **VAWA CRIME DEFINITIONS**

For purposes of the Annual Security and Fire Safety Report, definitions and provisions from the U.S. Department of Education, Illinois Compiled Statutes and California Penal Code are provided in the appendices to assist complainants/survivors of violence to navigate proceedings.

#### **DEFINITIONS**

“Dating Violence” is violence committed by a person –

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship will be determined based on a consideration of the following factors:
  - o The length of the relationship;
  - o The type of relationship; and
  - o The frequency of interaction between the persons involved in the relationship.

“Domestic Violence” is felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Illinois.

“Sexual Assault” consists of one or more of the following:

- Rape: 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- Fondling: 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 unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

- Sexual intercourse with a person who is under the statutory age of Consent as defined by Illinois law.

“Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

## EDUCATIONAL PROGRAMS AND CAMPAIGNS

Columbia provides a variety of educational programming, including prevention and awareness programs on Title IX Sexual Harassment, and other types of sexual and relational violence. This programming includes prevention and awareness programs on the Anti-Discrimination & Harassment Policy, including Appendix A.

Throughout the academic year, Columbia has pursued different strategies to further educate the college community on the topic of sexual misconduct in higher education, particularly student-on-student sexual violence. Students have designed, organized, and participated in a broad range of educational programming aimed to highlight the college’s misconduct policies, to explain how students can safely intervene if they witness discriminatory behavior, and to prevent future misconduct.

The College recognizes that individuals who feel they have been victims of Sex Discrimination may require time and support in considering whether or how to participate in any College or law enforcement process. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

All College Employees, who are not designated as Confidential Employees or Confidential Advisors, are required to promptly report potential Sex Discrimination to the Title IX Coordinator.

## **RESIDENCE LIFE RESIDENT ASSISTANT (RA) TRAINING**

Prior to students moving in to the residence halls, RAs are educated about dating and domestic violence, stalking, and sexual assault on college campuses (e.g., acquaintance rape, the influence of alcohol, and drugs in such offenses). RAs are also trained in how to assist the residents they oversee in reporting these crimes to the police and on-campus authorities.

## **RESIDENTIAL STUDENTS**

Prior to the first week of classes, floor meetings are held with residents and Housing/Residential Experience staff to discuss community living and safety on campus. Expectations regarding student behavior are discussed, along with building and HRE policies.

The following programs were offered throughout the year to promote an awareness of relationship violence and stalking.

### 2023 SEXUAL ASSAULT AWARENESS EDUCATION

<b>Training Name</b>	<b>Dates</b>	<b>Description</b>	<b>Audience</b>
Consent Workshop	April 10, 2023	Discuss Sexual Assault, ways to communicate consent, and set boundaries.	Student attendees
Lunch and Learn	April 19, 2023	Free lunch provided to students and attendees to learn more about available support services from Office of Equity Issues.	Students and Staff
The Exhibit	April 27, 2023	Interactive art exhibit which displayed the works of those affected by sexual assault.	Students and Staff
ATIXA Title IX Training	April 2023	Title IX and Sexual Harassment overview training offered by Association for Title IX Administrators (ATIXA).	Multiple sessions offered throughout the month to all Staff, Faculty and Students
Equity Issues and Title IX Overview	June 16, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Student Advisor New Hires
Equity Issues and Title IX Overview	June 26, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Engage team student workers
Hearing Panelist Training	June 28, 2023	Training for Title IX Hearing Panelists and Student Advisors	Hearing Panelists and Advisors
Equity Issues and Title IX Overview	July 31, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Student Relations new staff
Equity Issues and Title IX Overview	July 31, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Housing and Residential Experience Team



<b>Training Name</b>	<b>Dates</b>	<b>Description</b>	<b>Audience</b>
New Student Orientation	July 2023	Provide overview of Office of Equity Issues with a focus on who to contact for Assistance	Multiple sessions offered in July for new students and parents of new students
New Student Expo	July 2023	Individual interactions with students seeking information during New Student Orientation Activities.	Multiple sessions offered in July for new students and parents of new students
Equity Issues and Title IX Overview	August 10, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Academic Department Chairs
Equity Issues and Title IX Overview	August 15, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	University Center Resident Assistant Team
Equity Issues and Title IX Overview	August 21, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Housing and Residential Experience Resident Advisors
"Tabling" Outreach	Fall 2023 Semester	Office of Equity Issues staff set up tables in high student traffic areas weekly during the Fall semester to conduct outreach and spread awareness of OEI Services.	Students and Staff
Equity Issues and Title IX Overview	September 12, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	BFA Students
Equity Issues and Title IX Overview	November 8, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Housing and Residential Experience new staff
Equity Issues and Title IX Overview	November 28, 2023	Overview of Title IX, Office of Equity Issues services, and how to report misconduct.	Career Services Staff

## **PROCEDURES VICTIMS SHOULD FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING**

The College's Anti-Discrimination & Harassment Policy, including Appendix A (Title IX Sex Discrimination and Sex-Based Harassment Policy) form a part of this Annual Security Report and are hereby incorporated by reference. Those policies can be found in their entirety at:

### **Anti-Discrimination & Harassment Policy**

#### **Actions in Response to Violence (Special Advice for individuals Who Have Experienced Sexual Assault, Domestic Violence, Dating Violence, or Stalking)** If

you believe you are the victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, the College recommends the following:

- If the incident has just occurred, get to a safe place as soon as possible.
- Contact law enforcement by calling 911.
- Try to preserve all physical evidence related to the incident – avoid bathing, using the toilet, rinsing one's mouth, or changing clothes to facilitate the efficacy of a forensic examination. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred – preserve for law enforcement.
- Get medical attention and consider consenting to a forensic examination. Medical forensic examinations are available at no charge. A forensic examination may result in the collection of evidence that will be needed if you decide to make a report to police. Most local hospitals have forensic examination protocols and those that do not can refer you elsewhere. Take a full change of clothing, including shoes, for use after a medical examination.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, chaplain, or health care provider who can help explain options, give information, and provide emotional support.
- Make a Report to the Title IX Coordinator.
- Explore potential avenues for investigation and determination under this Policy. It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, and social media exchanges, rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sex-Based Harassment investigations. Once a Report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:
  - Obtaining Supportive Measures.
  - Contacting parents or a relative.
  - Seeking legal advice.
  - Seeking personal counseling.
  - Pursuing criminal or civil legal action against the perpetrator.
  - Submitting a Complaint to the Title IX Coordinator.
  - Requesting that no further action be taken.

The College's Safety & Security Department can also assist individuals in obtaining a personal protection order ("PPO") through civil courts.

The College's Safety & Security Department's emergency number is (312) 369-1111. For nonemergencies, please contact the Safety & Security Department at (312) 369-3220.

#### **Chicago Campus Area Hospitals Include:**

- Northwestern Memorial Hospital Emergency Department–  
250 E. Erie St., 312-926-2000
- Rush University Medical Center Department of Emergency Medicine–  
1653 W. Congress Pkwy., 312-942-5000

#### **Los Angeles Campus Area Hospitals Include:**

- Cedars Sinai Emergency Department–  
8700 Beverly Blvd. Los Angeles, CA 90048  
Los Angeles, CA 90048  
310-423-3277

Receiving treatment from a hospital for medical care after an incident of sexual violence does not obligate an individual to file a report with the college or local police department.

#### **Options to File a Report**

The following departments can be contacted to report an incident depending on one's comfort level and confidentiality needs:

- Local Police Department: 911
- Campus Safety and Security: 312-369-1111 (available 24 hours a day, seven days a week)
- Human Resources (employees): 312-369-8215
- Dean of Students Office: 312-369-8595

A victim of any criminal act including domestic violence, dating violence, stalking, or sexual assault has the option to pursue a criminal complaint with the local police department, by calling 911.

Notification to local law enforcement about a violent crime may ensure eligibility for support services and medical reimbursement per the Illinois Crime Victim's Compensation Law, if reported within 72 hours and one fully cooperates with law enforcement. The college encourages, but not requires, witnesses and victims who report to the college to also notify local law enforcement. Campus Safety and Security will assist a victim with notification to police if requested and will also respect a victim's right to decline reporting.

#### **REPORTING SEX DISCRIMINATION**

Any person may Report Sex Discrimination to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's Report. Inperson Reports must be made during normal business hours, but Reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours. Reports can be made anonymously via the College's online whistleblower reporting system at [colum.ethicspoint.com](http://colum.ethicspoint.com).

All College Employees, who are not designated as Confidential Employees or Confidential Advisors, are required to promptly report potential Sex Discrimination in the College's Education Programs or Activities to the Title IX Coordinator.

An Employee's duty to Report is triggered when: (1) the Employee receives a Report of potential Sex Discrimination from another person; (2) the Employee observes potential Sex Discrimination; or (3) the Employee learns about potential Sex Discrimination through some other means.

#### **CONFIDENTIAL REPORTING**

The College recognizes that individuals who feel they have been victims of Sex Discrimination may require time and support in considering whether or how to participate in any College or law enforcement

process. The College also recognizes that individuals who have been accused of Sex Discrimination may also require support. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

### **1. On-Campus Confidential Advisor**

Individuals wishing to receive confidential assistance without making a Report to the College may speak with the College's Confidential Advisor. This confidential resource has been specifically trained to provide confidential assistance in connection with sexual violence, but is also available to assist in connection with other types of Sex Discrimination. A Confidential Advisor will not report your circumstances to the College without your permission unless otherwise required to do so by law (such as when the victim is a minor). A Confidential Advisor is available to discuss incidents or accusations of Sex Discrimination with both Complainants and Respondents in confidence, and provide emotional support in a safe and confidential space.

Notwithstanding the foregoing, when necessary, the on-campus Confidential Advisor will make a non-identifying report to the appropriate College personnel so that reported crimes can be included in the College's annual crime statistics disclosure.

Disclosures to a Confidential Advisor will not trigger the College's investigation into an incident.

The College has designated the following Confidential Advisor:

#### **Charee Mosby-Holloway**

Director of Student Diversity & Inclusion  
618 S. Michigan, 4th Floor  
(312) 369-7994

[cmosbyholloway@colum.edu](mailto:cmosbyholloway@colum.edu)

### **2. Confidential Employees**

Confidential Employees are not required to report potential Sex Discrimination to the Title IX Coordinator. However, if they observe potential Sex Discrimination, receive a Report about potential Sex Discrimination, or learn about potential Sex Discrimination through some other means, Confidential Employees must:

- Explain their confidential status to any person who informs the Confidential Employee about potential Sex Discrimination, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination.
- Provide such person with contact information for the Title IX Coordinator.
- Explain how the individual may make a Complaint of Sex Discrimination directly to the Title IX Coordinator.
- Explain that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

The provisions of this section notwithstanding, a Confidential Employee must comply with any applicable state or local law that requires the Confidential Employee to report certain conduct to a state agency or local law enforcement, such as laws mandating the reporting of sexual abuse of minors, imminent threats of suicide or physical violence, or the abuse of the elderly or persons who are under a conservatorship.

The following are Confidential Employees on campus:

#### **For Students:**

**Center for Student Wellbeing at Columbia College Chicago** (Professional Counselors)

623 S. Wabash, suite 303

312.369.8700

<https://students.colum.edu/studentwellbeing/>

**For Employees:****Susan Kerns**

Associate Provost for Faculty Research And  
Development

Associate Professor, Cinema And Television Arts  
1104 S. Wabash, Room 701-K  
(312) 369-6795

[skerns@colum.edu](mailto:skerns@colum.edu)

The College offers additional health and mental health services through partnered third-party online providers, including the Employee Assistance Program/Telus Health (for Employees) and TimelyCare (for Students). Please note, however, that the professionals from these online partners do not constitute Confidential Employees under this Policy as they are not College Employees. Thirdparty providers may have additional disclosure obligations and responsibilities.

**ANONYMOUS REPORTING**

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

**OFF-CAMPUS SUPPORT SERVICES**

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 and Los Angeles area organizations may offer support, assistance, and information to victims, witnesses, and others affected by domestic violence, dating violence, and/or stalking.

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. Contact the resources below for more information regarding offered services and applicable confidentiality policies.

**YWCA of Metropolitan Chicago Loop****Women's Services**

360 N. Michigan Ave., 8th Floor  
Hotline: 888-293-2080

[ywcachicago.org](http://ywcachicago.org)

**YWCA of Metropolitan Chicago Loop****Women's Services**

1 N. LaSalle St., Suite 1700  
Chicago, IL 60602  
312-372-6600

[ywcachicago.org](http://ywcachicago.org)

**Resilience****(formerly Rape Victim Advocates)**

180 N. Michigan Ave.  
Chicago, IL 60601  
312-443-9603  
Hotline: 888-293-2080

[ourresilience.org](http://ourresilience.org)

**Center on Halsted**

3656 N. Halsted St.  
Chicago, IL 60613  
773-472-6469

[centeronhalsted.org](http://centeronhalsted.org)

**Sojourn Shelter**

310-264-6644

**National Suicide Prevention Hotline**

988

**LA Domestic Violence Hotline**

800-978-3600

**YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN affiliate)**

Chicago Metropolitan Area: 888-293-2080

DuPage County: 630-971-3927

South Suburbs: 708-748-5672

[ywcachicago.org](http://ywcachicago.org)

**The Domestic Violence Helpline**

Call 877-TO END DV or 877-863-6338

**Sexual Assault Hotline**

800-656-4673

[hotline.rainn.org/online](http://hotline.rainn.org/online)

**LA Domestic Violence Hotline**

1000 S. Fremont Ave, Building A-9 East, 5th Floor

Alhambra, CA 91803

800-978-3600

[publichealth.lacounty.gov/dvcouncil/](http://publichealth.lacounty.gov/dvcouncil/)

**Los Angeles LGBT Center WeHo**

323-993-7400

**LA County Dept. of Mental Health**

800-690-7771

**Rape Treatment Center at UCLA Santa Monica**

1250 16th St., Santa Monica, CA 90404

424-259-7208

[uclahealth.org/medical-services/rtc](http://uclahealth.org/medical-services/rtc)

**BYSTANDERS**

Bystander intervention - Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barrier to intervening, identifying safe and effective intervention options, and taking action to intervene.

Examples of bystander interventions include the 4 Ds:

- **Direct**  
Use words or actions to stop the situation. This approach is best when you feel safe and able to intervene.
- **Distract**  
If it's not safe to intervene directly, you can try distracting the person or people involved. This technique can be especially useful when people are under the influence of drugs or alcohol.
- **Delegate**  
Ask someone else to help you intervene. You could also call someone or raise the alarm to a relevant authority.

• **Delay**  
If you can't intervene right away, you can wait for the situation to pass and then check in with the victim. You could ask if they're okay and if they want to report what happened.

Witnesses to sexual and relationship violence or harassment, including bystanders, may 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. A potential safe and positive option would be to call Campus Safety and Security or 911 from a safe place. 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 regarding how to address any effects from observing or otherwise becoming aware of such behavior. Any retaliation against an individual who has reported sexual and relationship violence or harassment is a violation of college policy.

## RISK REDUCTION

Risk reduction are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

### Risk Reduction Tips

Recognizing that only rapists are responsible for rape, not victims, the following are some strategies to reduce one's risk of sexual assault or harassment.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself.
- At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

## PROCEDURES THE COLLEGE WILL FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

The College's Anti-Discrimination & Harassment Policy, including Appendix A (Title IX Sex Discrimination and Sex-Based Harassment Policy) form a part of this Annual Security Report and are hereby incorporated by reference. Those policies can be found in their entirety at:

### [Anti-Discrimination and Harassment Policy](#)

## SUPPORTIVE MEASURES

“Supportive Measures” are non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a party, and without fee or charge to the Complainant or Respondent to (i) restore or preserve that party’s access to the College’s Education Programs or Activities, including measures that are designed to protect the safety of the parties or the College’s educational environment, or (ii) provide support during the College’s investigation and adjudication process under this Policy, including any informal resolution process. Examples of Supportive Measures that may be available depending on the facts of a particular matter include: counseling; extensions of deadlines and other academic adjustments; campus escort services; increased security and monitoring for certain areas of campus; restrictions

on contact between parties; honoring an order of protection or no contact order entered by a State civil or criminal court; leaves of absence; voluntary and involuntary changes to class, work, housing, dining, or extracurricular or any other activity; and training and education.

### A. Availability of Supportive Measure

If a Report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), the Title IX Coordinator will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to make a Complaint.

Contemporaneously with the Respondent being notified of a Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the

Respondent prior to the Respondent being notified of a Complaint, if the Respondent requests such measures.

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures that burden a Respondent must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant’s access to the College’s Education Programs or Activities and will not be imposed for punitive or disciplinary reasons.

For Supportive Measures, other than those that burden a Respondent, the College may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the College may continue them beyond that point.

Supportive Measures may vary depending on what the Title IX Coordinator determines to be reasonably available and appropriate. Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially. If a party affected by Supportive Measures qualifies as a person with a disability under applicable law, the Title IX Coordinator may consult, as appropriate, with the College’s office of Services for Students with Disabilities, which is designated to provide support to persons with disabilities and to ensure that the College complies with relevant disability law in the implementation of Supportive Measures.

Supportive Measures are confidential and will not be disclosed to persons other than the party to whom the Supportive Measure pertains unless wider disclosure is necessary to provide the Supportive Measure. The College may inform a party of Supportive Measures provided to or imposed on the other party only if necessary to restore



or preserve that party's access to the College's Education Programs or Activities.

### **B. Right to Challenge Supportive Measure Decisions**

If a party is affected by the Title IX Coordinator's decision to provide, deny, modify, augment, or terminate Supportive Measures, and wishes to seek a modification or reversal of the decision, the party may appeal the matter to the College's Dean of Students. Such an appeal must be made in writing and must be made within seven (7) days of the date the party is notified of the Supportive Measures decision that the party wishes to appeal, provided, however, that the Dean of Students may hear appeals made outside the seven (7) day window for good cause shown, after considering all the facts and circumstances. If the Supportive Measures at issue in an appeal are ones that may affect the other party, the Dean of Students will notify the potentially affected party and allow that party to submit a written response, prior to deciding the appeal. The decision of the Dean of Students is final and not subject to further review.

If a Supportive Measure burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such preimposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal as soon as possible after the Supportive Measure has taken effect.

#### **WRITTEN DECISION**

**Scope:** For all Complaints of Sex Discrimination except those involving Sex-Based Harassment with a Student Complainant or Student Respondent.

After reaching a determination and consulting with the appropriate College official and Title IX coordinator, as necessary, the adjudicator will prepare a written decision that will include:

- A description of the alleged Sex Discrimination.
- Information about the policies and procedures the College used to evaluate the allegations.
- The adjudicator's evaluation of all Relevant evidence and determination of whether Sex Discrimination occurred.
- When the adjudicator finds that Sex Discrimination occurred, discipline determined by the appropriate College official.
- Whether the Complainant, Respondent, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator (to the extent such disclosure is permitted in compliance with this Policy, Title IX, and FERPA).
- A description of the College's process and grounds for appeal, as specified in "Appeal."

The adjudicator will transmit the written decision to the Title IX Coordinator and the parties. Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal as specified in "Appeal." Any discipline imposed will be stayed pending the completion of any appeal.

The Title IX Coordinator shall coordinate the provision and implementation of any Supportive Measures and remedies, and take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's Education Program or Activity.

Although the length of time needed to issue the written decision will vary depending on the totality of the circumstances, the College strives to issue the adjudicator's written decision within thirty (30) days of the adjudicator's appointment.

**Scope:** For any case involving Sex-Based Harassment with a Student Complainant or Student Respondent.

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by “Discipline and Remedies,” the adjudicator will prepare a written decision that will include:

- A description of the alleged Sex-Based Harassment.
- Information about the policies and procedures the College used to evaluate the allegations.
- The adjudicator’s evaluation of all Relevant and not otherwise impermissible evidence and determination of whether Sex-Based Harassment occurred.
- When the adjudicator finds that Sex-Based Harassment occurred, discipline determined by the appropriate College official.
- Whether the Complainant, Respondent, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator (to the extent such disclosure is permitted in compliance with this Policy, Title IX, and FERPA).
- A description of the College’s process and grounds for appeal, as specified in “Appeal.”

The adjudicator’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in “Appeal.”

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the adjudicator’s written determination within ten (10) days of the conclusion of the hearing.

## DISCIPLINE AND REMEDIES

**Scope:** For all Complaints of Sex Discrimination except those involving Sex-Based Harassment with a Student Complainant or Student Respondent.

In the event the adjudicator determines that the Respondent is responsible for violating this Policy, the adjudicator will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. Such determinations shall be made as follows: by the Dean of Students for Student Respondents, by the Associate Vice President for Human Resources for staff Respondents, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty Respondents. Disciplinary sanctions may include, but are not limited to, a verbal warning, a written warning, educational programming, community service, suspension, expulsion, removal, and termination. The adjudicator will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant and other persons, as appropriate. The adjudicator may seek legal advice from the College’s inhouse or outside counsel.

**Scope:** For any case involving Sex-Based Harassment with a Student Complainant or Student Respondent.

In the event the adjudicator determines that the Respondent is responsible for violating this Policy, the adjudicator will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. Such determinations shall be made as follows: by the Dean of Students for Student Respondents, by the Associate Vice President for Human Resources

for staff Respondents, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty Respondents. The adjudicator will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive measures or other remedies will be provided to the Complainant and other persons, as appropriate.

Disciplinary sanctions may include, but are not limited to, a verbal warning, a written warning, educational programming, community service, suspension, expulsion, removal, and termination.

### **APPEAL**

Either party may appeal the written decision of an adjudication, or a dismissal of a Complaint, on one or more of the following grounds:

- A procedural irregularity that would change the determination of whether a Policy violation occurred.
- There is new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
- The Title IX Coordinator, investigator, or adjudicator, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that would change the outcome.
- The disciplinary sanction is disproportionate to the Policy violation.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice the written decision or dismissal appealed from or, if the other party appeals, within three (3) days of receiving notice that the other

party has appealed, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator. The appeal must specifically identify the written decision and/or dismissal appealed from, articulate which one or more of the four grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Within two (2) days of receipt of an appeal, the Title IX Coordinator will then – upon written notice to the parties – appoint an appeals officer whose responsibility it will be to review the appeal. The appointed appeals officer must not have taken part in the investigation of the allegations or any dismissal of the Complaint. Promptly upon receipt of an appeal, the appeals officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeals officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeals officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeals officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeals officer will provide written notice to the other party that an appeal has been filed (including a complete copy of the appeal) and that the other party may submit a written opposition to the appeal within seven (7) days. The appeals officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time for submission of an opposition has passed without one being filed, the appeals officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale. The determination of a Complaint, including any discipline, becomes final when the time for appeal has passed with no party

filing an appeal or, if any appeal is filed, at the point when the appeals officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeals officer's written decision within seven (7) days of the non-appealing party's written response, if any, or if no response to the appeal is received, within seven days of the expiration of the nonappealing party's seven (7) day window to respond.

### **ADVISOR OF CHOICE AND OTHER ACCOMPANYING PERSONS**

From the point a Complaint is made that involves Sex-Based Harassment and a Student Complainant or Student Respondent, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent in such a case will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney. The right to be accompanied by an advisor does not apply with regard to other Complaints of Sex Discrimination, except to the extent required otherwise by local, state or federal law.

Except for the questioning of witnesses during the hearing specified in "Hearing," the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this section and "Hearing," the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in "Hearing," the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.

The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing, and one is provided to conduct questioning on behalf of the party. For this reason, the College may prohibit its Employees from serving as advisors where such service would interfere with the Employee's work or other obligations to the College or where such Employee's service would create a conflict of interest.

As a general matter, the advisor described in this section is the only person who may accompany a party to meetings, interviews, and hearings. To the extent the College deviates from this rule and allows a party to be accompanied by one or more persons in addition to an advisor, the same right shall be extended to the other party.

### **RETALIATION**

It is a violation of this policy to engage in Retaliation. Reports and Complaints of Retaliation may be made in the manner specified in "Reporting Sex Discrimination," and "Making a Complaint." Any Report or Complaint of Retaliation will be processed under this Policy in the same manner as a Report or Complaint of Sex Discrimination, as the case may be. The College retains discretion to consolidate a Complaint of Retaliation with a Complaint of Sex Discrimination for investigation and/or adjudication purposes if the two Complaints share a common nexus.

"Retaliation" is intimidation, threats, Coercion, or discrimination against any person by a Student, Employee, person authorized by the College to

provide aid, benefit or service under the College's Education Programs or Activities, or the College itself, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy, or any other appropriate steps taken by the College in response to conduct prohibited by this Policy. Notwithstanding the foregoing, Retaliation does not include requiring an Employee or person authorized by the College to provide aid, benefit, or service under the College's Education Programs or Activities to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy. Retaliation includes initiating disciplinary process against a person for a violation of another College conduct standard that does not involve Sex Discrimination but arises out of the same facts and circumstances of a Complaint or information about potential Sex Discrimination, if initiating such other disciplinary process is done for the purpose of interfering with the exercise of any right or privilege of Title IX. Retaliation can be committed by a peer Retaliation does not include any conduct that a party has a right to engage in under the U.S. Constitution.

### **CONFIDENTIALITY**

The College will keep confidential the identity of any individual who has made a Report or Complaint of Sex Discrimination or Retaliation (including any Complainant), the identity of any individual who has been reported to be a perpetrator of Sex Discrimination or Retaliation (including any Respondent), and the identity of any witness or other participant in the College's investigation and adjudication processes except:

- When the individual has provided prior written consent to disclose their identity.

- When disclosure is permitted by FERPA or its implementing regulations.
- As otherwise required by applicable federal, state, or local law;
- As required by Federal regulations or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- As necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to take action to address potential Sex Discrimination under the College's Education Programs or Activities.

The College will also maintain the confidentiality of its various records generated in response to Reports and Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the College may disclose any record if permitted by FERPA or its implementing regulations, as otherwise required by applicable federal, state, or local law, or as necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to address potential Sex Discrimination under the College's Education Programs or Activities.

Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy. Such investigation and adjudication materials, including the investigation report and appended evidence, and the written decision, are for the sole use of the party (and, if the party is entitled to one, an advisor) in the proceedings contemplated by this Policy; such materials may not be disseminated to third parties or otherwise published except for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination or where otherwise

authorized by law. If a party violates the confidentiality rules governing investigation and adjudication materials, the party is subject to disciplinary action under the Student Code of Conduct in the case of a Student, and other College policies and standards, as applicable, for other persons.

While the College will maintain confidentiality specified in this section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sex Discrimination or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy.

Certain types of Sex Discrimination are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

### **TRAINING**

The College will ensure that all Employees, and College officials acting under this Policy, including but not limited to the Title IX Coordinator, investigators, adjudicators, informal resolution facilitators, College provided advisors, and appeals officers receive training in compliance with Title IX and its implementing regulations, the Illinois Preventing Sexual Violence in Higher Education Act, and any other applicable federal, state, or local laws.

### **DEFINITIONS FROM THE TITLE IX SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY**

“Consent” means freely given words or actions that a reasonable person in the position of the Respondent would understand as agreement to

engage in the sexual conduct at issue. A person’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent. A person’s manner of dress does not constitute consent. A person’s consent to past sexual activity does not constitute consent to future sexual activity. A person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with a different person. A person who is Incapacitated is not capable of giving Consent, and a person who is under the age of consent cannot consent. Consent cannot be procured through Coercion. A person can withdraw consent at any time.

“Incapacitated” or “Incapacity” refers to the state where a person is unable to give consent to sexual activity due to the circumstances, the person’s age, or the behavior of another. Such situations may include but are not limited to: impairment from alcohol and/or drugs, medical condition or disability, fear, unconsciousness, intimidation, Coercion, confinement, isolation or due to a state of sleep.

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

## **PROTECTIVE ORDERS (CA), ORDERS OF PROTECTION (IL)**

Any person who obtains a Protective Order or a Stalking No Contact Order from any jurisdiction is encouraged to provide a copy to Campus Safety and Security for the implementation of protective measures for the safety of the victim as well as the college community.

## **ADVISING THE CAMPUS COMMUNITY ABOUT SEX OFFENDERS**

The college complies with the Illinois Sex Offender Registration Act (730 ILCS 150), which requires all sex offenders employed by or attending an institution of higher education to register directly with Campus Safety and Security. In compliance with this Act, any student, faculty, or staff member who is required to register as a sex offender in any state must register in person at the Campus Safety and Security office within three days of the beginning of classes or employment. An individual committing such offense while enrolled or employed at Columbia must also register in this office within three days of a conviction.

California Penal Code Section 290.46, known as Megan's Law, requires the California Department of Justice to maintain an internet website that posts information about California registered sex offenders.

For a listing of registered sex offenders, please visit:

**Chicago:** [https://www.chicago.gov/city/en/dataset/registered\\_sex\\_offenders.html](https://www.chicago.gov/city/en/dataset/registered_sex_offenders.html)

**Los Angeles:** [meganslaw.ca.gov](http://meganslaw.ca.gov)

## MISSING STUDENT POLICY AND DAILY CRIME LOG

### MISSING STUDENT POLICY

Columbia encourages students to explore the vibrant campus and the cities of Chicago and Los Angeles. At the same time, the college has an obligation to report a residential student who has been missing for 24 hours to proper authorities. If a member of the Columbia community has reason to believe that a student who resides in on-campus housing has been missing for 24 hours, he or she should notify Campus Safety and Security at 312-369-3220.

In compliance with the federally mandated Missing Student Notification Policy and Procedures in the Higher Education Opportunity Act, an incident report will be generated, and an investigation will be initiated in cooperation with Student Health and Support Services. Unless circumstances dictate otherwise, Campus Safety and Security will notify the local police department, the missing student's designated guardian, if under the emancipated age of 18, or emergency contact person, no later than 24 hours after the report has been generated.

Reports of a missing student may be made to:

- Local Police Department:  
911
- Campus Safety and Security:  
312-369-3220
- Dean of Students/Student Support Services:  
312-369-8595
- Director of Residence Education:  
312-369-6801
- Associate Dean Semester in LA:  
323-860-5461

Students residing in residential facilities are requested to provide emergency information for an individual to be contacted by college officials. This contact information is considered confidential and will be available only to authorized campus officials and law enforcement agencies as appropriate. Regardless of age, Columbia will abide by the federal mandate and notify a student's custodial parent or guardian if health and safety are a potential issue.

Questions pertaining to this policy may be referred to the dean of students at 312-369-8595 or the AVP of Campus Safety and Security at 312-369-3220.

### DAILY CRIME LOG

Campus Safety and Security maintains a daily crime log that records all criminal incidents and alleged criminal incidents reported to the office. The crime log data consists of the nature, date, time, and general location of the crime and the disposition of the complaint, if known. The daily crime log is available for review upon request at Campus Safety and Security from Monday through Friday, from 9 a.m. to 5 p.m., excluding holidays. Disclosure may be withheld if release of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim. Information may also be temporarily withheld if release of such information would: (a) jeopardize an ongoing criminal investigation or the safety of an individual, (b) cause a suspect to flee or evade detection, or (c) result in the destruction of evidence.

Victims personally identifying information is not included in any publicly available recordkeeping including the Clery Act reporting and disclosures such as the Annual Security Report and the Daily Crime Log.



## ANNUAL FIRE SAFETY REPORT— CHICAGO STUDENT HOUSING

The Annual Fire Safety Report discloses information regarding campus fire safety practices, standards, life-safety equipment, and statistics on incidents of fire that occurred in Chicago student residential facilities Columbia owns or with which it has a contractual lease agreement. Park La Brea in Los Angeles is non-campus property and consequently, is not included in the Annual Fire Safety Report

### FIRE SAFETY SYSTEMS IN RESIDENTIAL FACILITIES

The following table outlines the life safety and emergency systems in place at each of the Columbia owned or leased student housing properties and the number of monitored evacuation drills conducted during the 2023–2024 calendar years.

Location	Sprinkler System	Smoke/ Heat Detection	Interior Fire Alarm Monitoring	Fire Extinguishing Devices	Mounted Evacuation placards	# of Drills 2023	# of Drills 2022	# of Drills 2021
University Center 525 S. State St.	X	X	Direct Tie	X	X	2	2	2
Dwight Lofts 642 S. Clark St.	X	X	Direct Tie	X	X	1	1	1
The ARC 37 W. Van Buren St.	X	X	Direct Tie	X	X	1	1	1
30 E. Balbo Dr.	X	X	Direct Tie	X	X	1	1	2
829 S. Wabash	X	X	Direct Tie	X	X	0	N/A	N/A

### 2023 STUDENT HOUSING FACILITIES

*525 S. State St.-University Center*

*642 S. Clark St.-Dwight Lofts*

*37 W. Van Buren St.-ARC*

*30 E. Balbo Ave.*

*829 S. Wabash Ave.*

## ANNUAL FIRE SAFETY REPORT-FIRE STATISTICS

### 2023 INCIDENTS OF FIRE

Location	Total Incidents of Fire	Fire	Cause of Fire	Value of Property Damage	Inquiries Requiring Medical Treatment	Deaths
525 S. State St.	2	2	Candle Knocked Over, Cigarette in Trash Can	\$119,815.98 0	0	0
642 S. Clark St.	0	0	N/A	0	0	0
37 W. Van Buren St.	0	0	N/A	0	0	0
30 E. Balbo Drive	1	1	Grease Fire	\$10,000 - 24,000	0	0
829 S. Wabash Ave	0	0	N/A	0	0	0

### 2022 INCIDENTS OF FIRE

Location	Total Incidents of Fire	Fire	Cause of Fire	Value of Property Damage	Inquiries Requiring Medical Treatment	Deaths
525 S. State St.	0	0	N/A	N/A	0	0
642 S. Clark St.	0	0	N/A	N/A	0	0
37 W. Van Buren St.	0	0	N/A	N/A	0	0
30 E. Balbo Drive	0	0	N/A	N/A	0	0

### 2021 INCIDENTS OF FIRE

Location	Total Incidents of Fire	Fire	Cause of Fire	Value of Property Damage	Inquiries Requiring Medical Treatment	Deaths
525 S. State St.	0	0	N/A	N/A	0	0
642 S. Clark St.	1	1	Unintentional stove fire	\$42,000	0	0
37 W. Van Buren St.	0	0	N/A	N/A	0	0
30 E. Balbo Drive	0	0	N/A	N/A	0	0

## FIRE SAFETY POLICIES AND PROCEDURES

### Procedures for Student Housing Evacuation in the Case of a Fire

In The Arc (37 W. Van Buren Street) and 30 E. Balbo Drive, every resident is required to evacuate the building immediately whenever a fire alarm sounds, whether it is a drill or an actual fire. Should an alarm sound in the University Center, 525 S. State Street or the Dwight Lofts, 642 S. Clark Street, students may get instructions to shelter in place or move to another floor from the Chicago Fire Department.

Floor plans indicating the evacuation routes to the internal stairwell(s) and exterior fire escape are posted on each floor. Residents are advised to become familiar with these exits, location area of rescue, and the location of the fire alarm pull stations designed to activate the building alarm system. All student rooms and stairwells are provided with smoke detectors.

Fire alarm pull stations are located throughout the buildings. One threat in a fire is smoke; Therefore, it is important that residents know the following guidelines to respond to a fire in the building:

- Activate the building alarm system by pulling the handle down on the fire alarm pull station. (Activating the system will notify the Chicago Fire Department and residents of the emergency.)
- Check the surface of the door and/or doorknob for heat and the bottom of the door for signs of smoke before opening it and exiting a room.
- Slowly open the door; keep the door between you and the corridor.
- Make a visual observation of the corridor for fire or smoke and proceed to the nearest exit.
- Do not use the elevators.
- Follow exit signs out of the building.
- Stand at least 300 feet away from the building and await direction from Fire Department personnel.

If you are an individual requiring assistance, notify security via the Emergency Call Box in the corridor or call 911 and advise the city dispatcher of your location. If safe to do so, proceed to the area of rescue assistance on the evacuation route map posted on the floor and wait for emergency responders.

In the case of a blocked stairway or exit:

- Using the Emergency Call Box on the floor or a telephone, notify building security that all exits or stairways are blocked and advise them of your location.
- Go to the nearest room and close the door.
- Place a cloth under the door to prevent smoke from entering the room.
- Hang a cloth or other object out of the window to signal that the room is occupied.
- Stay as close to the floor as possible, if smoke enters a room.

After the occurrence, report any fire event to Residence Life and Campus Security personnel to ensure appropriate statistical reporting.

### RULES ON SMOKING, PORTABLE ELECTRICAL APPLIANCES, AND OPEN FLAMES

All student residential facilities are smoke-free living environments. Students found in violation of smoking in their living space may be charged to sanitize the space. As provided by the City of Chicago Municipal Code Section 7-32-35:

Smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

Electrical appliances with self-contained heating units (irons, corn poppers, coffee makers, microwaves) are permitted.

The following items are PROHIBITED in campus student housing:

- Open flame items including incense, incense burners, candles, and fireworks
- Electrical appliances with open-heating elements
- Metal tip darts
- Fog machines
- Flammable liquids and gases

Residents are advised to avoid the following to prevent accidental fires:

- Plugging too many cords into one outlet
- Using an extension cord that is smaller than the primary cord
- Leaving irons on, or items cooking on a stove, or in the oven unattended
- Unsafe handling and/or improper use, storage, and disposal of solvent rags, and rubbish

Decorations must be nonflammable and must not impede egress to an exit in case of fire or other emergency. Alterations to the premises are prohibited including, but not limited to: installing locks, ceiling fans, or electrical fixtures, voice or data outlets, erecting partitions or attaching anything to ceilings, walls, windows, floors, or exteriors.

Items must not block, mask, or obscure a sprinkler head or smoke/heat detector. Do not hang any items from the sprinklers. Tampering with fire safety equipment is a crime. Any resident found guilty of tampering with fire equipment, including activating a false alarm, will be subject to severe disciplinary and criminal action.

Rooms will be inspected at the beginning of each break and periodically during the year. These inspections are conducted to ensure that maintenance, safety, sanitation, and property control requirements are being followed. Items prohibited by law or Residence Life policy may be confiscated, and the residents of the apartment will be subject

to disciplinary action. A notice will be posted for all inspections 24 hours in advance, except for those made during breaks or vacations.

Building maintenance problems or repairs should be reported immediately to the resident assistant or to the security officer located in the lobby of the building to avoid any potential safety, security issue, or property damage. Students can also submit maintenance requests to the property manager.

### **POLICIES REGARDING FIRE SAFETY EDUCATION AND TRAINING PROGRAMS**

Residence Halls drills are conducted annually. All residents and guests occupying the building at the time of the drill are required to participate in the evacuation.

Information on fire safety and emergency preparedness is presented during a mandatory attendance floor meeting held in each student housing facility at the beginning of each semester. Students are advised to review the video “Dorm Safety” produced by the Chicago Fire Department on the Campus Safety and Security website at [students.colum.edu/safety](http://students.colum.edu/safety). Other resources can be found on the [ready.gov](http://ready.gov) website, the Illinois Homeland Security website at [ready.illinois.gov](http://ready.illinois.gov), and the U.S. Fire Administration’s website at [usfa.fema.gov](http://usfa.fema.gov).

Reviews of the evacuation drills are conducted in all buildings for assessment and training purposes. Disciplinary action will be taken and fines will be implemented for students who fail to cooperate with staff or emergency responders assisting in the course of an alarm and/or evacuating the building.

### **PLANS FOR FIRE SAFETY IMPROVEMENTS**

The college continues to review practices and procedures. We continue to recruit and train personnel to serve on the Emergency Evacuation Teams and are investigating new insignia and safety vests for fire marshalls.

# APPENDIX 1:

## U.S. DEPARTMENT OF EDUCATION

### CRIME DEFINITIONS

#### CRIMINAL OFFENSES:

##### **Murder/Non-Negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

##### **Negligent Manslaughter**

The killing of another person through gross negligence.

##### **Sexual Assault (Sex Offenses)**

Any act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

##### **Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

##### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

##### **Burglary**

The unlawful entry of a structure to commit a felony or theft.

##### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

##### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### HATE CRIMES:

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery purposes, the following eight categories are included:

- Race
- Religion
- Sexual orientation
- Gender
- Gender identity
- Ethnicity
- National Origin
- Disability

In addition to the first eight criminal offenses, the following criminal offenses are also included:

### **Larceny/Theft**

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/ or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **VAWA OFFENSES:**

**Dating violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- ii. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is a felony or misdemeanor crime of violence and is 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 jurisdiction in which the crime of violence occurred.
- 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 jurisdiction in which the crime of violence occurred

### **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's 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, or 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.

### **Reasonable person**

Means a reasonable person under similar circumstances and with similar identities to the victim.

### **Substantial emotional distress**

Means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Arrests and Disciplinary Referrals for Violations of Weapons, Drug Abuse and Liquor Laws:****Weapons: Carrying, Possessing, Etc.,**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Drug Abuse Violations**

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

**Liquor Law Violations**

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## APPENDIX 2 :

### SELECT ILLINOIS COMPILED STATUTE PROVISIONS

#### SELECT ILLINOIS COMPILED STATUTE PROVISIONS

For a complete set of statute provisions, visit: <http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=53>

#### (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

##### Sec. 11-1.20. Criminal sexual assault.

- (a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:
- (1) uses force or threat of force;
  - (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
  - (3) is a family member of the victim, and the victim is under 18 years of age; or
  - (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

#### (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

##### Sec. 11-1.30. Aggravated criminal sexual assault.

- (a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:
- (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
  - (2) the person causes bodily harm to the victim, except as provided in paragraph (10);
  - (3) the person acts in a manner that threatens or endangers the life of the victim or any other person
  - (4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
  - (5) the victim is 60 years of age or older;
  - (6) the victim is a person with a physical disability;
  - (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes
  - (8) the person is armed with a firearm;
  - (9) the person personally discharges a firearm during the commission of the offense; or
  - (10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.



- (b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.
- (c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

**(720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)**

**Sec. 11-1.40. Predatory criminal sexual assault of a child.**

- (a) A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and:
  - (1) the victim is under 13 years of age; or
  - (2) the victim is under 13 years of age and that person:
    - (A) is armed with a firearm;
    - (B) personally discharges a firearm during the commission of the offense;
    - (C) causes great bodily harm to the victim that:
      - (i) results in permanent disability; or
      - (ii) is life threatening; or
    - (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

**(720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)**

**Sec. 11-1.50. Criminal sexual abuse.**

- (a) A person commits criminal sexual abuse if that person:
  - (1) commits an act of sexual conduct by the use of force or threat of force; or
  - (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
- (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.
- (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

**(720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)**

**Sec. 11-1.60. Aggravated criminal sexual abuse.**

- (a) A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:
  - (1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;

- (2) the person causes bodily harm to the victim;
  - (3) the victim is 60 years of age or older;
  - (4) the victim is a person with a physical disability;
  - (5) the person acts in a manner that threatens or endangers the life of the victim or any other person;
  - (6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or
  - (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.
- (b) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.
- (c) A person commits aggravated criminal sexual abuse if:
- (1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or
  - (2) that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.
- (d) A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.
- (e) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.
- (f) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

**(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)**

**Sec. 12-3.2. Domestic battery.**

- (a) A person commits domestic battery if he or she knowingly without legal justification by any means:
- (1) causes bodily harm to any family or household member;
  - (2) makes physical contact of an insulting or provoking nature with any family or household member.

**(720 ILCS 5/12-3.3)**

**Sec. 12-3.3. Aggravated domestic battery.**

- (a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery.
- (a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

**(720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)****Sec. 12-7.3. Stalking.**

- (a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
- (1) fear for his or her safety or the safety of a third person; or
  - (2) suffer other emotional distress.
- (a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:
- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
  - (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.
- (a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:
- (1) follows that same person or places that same person under surveillance; and
  - (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.
- (b) Sentence. Stalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.
- (c) Definitions. For purposes of this Section:
- (1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.
  - (2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.
  - (3) "Emotional distress" means significant mental suffering, anxiety or alarm.
  - (4) "Family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
  - (5) "Follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.
  - (6) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

- (7) “Places a person under surveillance” means:
- (1) remaining present outside the person’s school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or
  - (2) placing an electronic tracking device on the person or the person’s property.
- (8) “Reasonable person” means a person in the victim’s situation.
- (9) “Transmits a threat” means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

**(720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)**

**Sec. 12-7.4. Aggravated stalking.**

- (a) A person commits aggravated stalking when he or she commits stalking and:
- (1) causes bodily harm to the victim;
  - (2) confines or restrains the victim; or
  - (3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.
- (a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

**(720 ILCS 5/12-7.5)**

**Sec. 12-7.5. Cyberstalking.**

- (a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:
- (1) fear for his or her safety or the safety of a third person; or
  - (2) suffer other emotional distress.
- (a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:
- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or
  - (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
  - (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.
- (a-4) A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and:
- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person;
  - (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

- (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

For purposes of this Section, an installation or placement is not surreptitious if:

- (1) with respect to electronic software, hardware, or computer applications, clear notice regarding the use of the specific type of tracking software or spyware is provided by the installer in advance to the owners and primary users of the electronic software, hardware, or computer application; or
  - (2) written or electronic consent of all owners and primary users of the electronic software, hardware, or computer application on which the tracking software or spyware will be installed has been sought and obtained through a mechanism that does not seek to obtain any other approvals or acknowledgment from the owners and primary users.
- (a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:
- (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
  - (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
  - (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.
- (b) Sentence. Cyberstalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.
- (c) For purposes of this Section:
- (1) “Course of conduct” means 2 or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person’s property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.
  - (2) “Electronic communication” means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. “Electronic communication” includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

(2.1) “Electronic communication device” means an electronic device, including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer.

(2.2) “Electronic monitoring software or spyware” means software or an application that surreptitiously tracks computer activity on a device and records and transmits the information to third parties with the intent to cause injury or harm. For the purposes of this paragraph (2.2), “intent to cause injury or harm” does not include activities carried out in furtherance of the prevention of fraud or crime or of protecting the security of networks, online services, applications, software, other computer programs, users, or electronic communication devices or similar devices.

- (3) “Emotional distress” means significant mental suffering, anxiety or alarm. “Harass” means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.
- (4) “Non-consensual contact” means any contact with the victim that is initiated or continued without the victim’s consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
- (5) “Reasonable person” means a person in the victim’s circumstances, with the victim’s knowledge of the defendant and the defendant’s prior acts.
- (6) “Third party” means any person other than the person violating these provisions and the person or persons towards whom the violator’s actions are directed.
- (d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.
- (e) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.
- (f) It is not a violation of this Section to:
- (1) provide, protect, maintain, update, or upgrade networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices under the terms of use applicable to those networks, services, applications, software, programs, or devices;
  - (2) interfere with or prohibit terms or conditions in a contract or license related to networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices; or
  - (3) create any liability by reason of terms or conditions adopted, or technical measures implemented, to prevent the transmission of unsolicited electronic mail or communications.

(Source: P.A. 100-166, eff. 1-1-18.)

## STATE LAWS REGARDING ALCOHOL CONSUMPTION

Generally, transfer, possession, and consumption of alcoholic liquor are restricted by state laws.

**Age Requirement for Alcohol Consumption**

Transfer, possession, and consumption of alcoholic liquor are restricted in Illinois. [Illinois Liquor Control Act](#)

It is illegal for any person under the age of 21 to consume alcohol. 235 ILCS 5/6-20e.

It is illegal to sell or deliver alcohol to anyone under 21 or to any intoxicated person. 235 ILCS 5/6-16 (a) (i).

**Possession by Minor**

Persons under twenty-one who possess alcohol on or in any street or public place may be jailed for up to one year and fined \$2,500. 235 ILCS 5/6-16

**False Identification**

It is illegal for a person under 21 to present false identification to purchase alcohol. It is unlawful to assist a person in fraudulently obtaining, using, possessing, or distributing a fraudulent state ID or driver's license. 235 ILCS 5/6-16 (a).

**Social Host Law**

It is illegal to permit a gathering at your residence at which person(s) under 21 possess or consume alcohol, and unlawful to rent a hotel or motel room for such purpose. 235 ILCS 5/6-16 a-1, 235 ILCS 5/6-16 (c) and 235 ILCS 5/6-16 (d).

## APPENDIX 3: SELECT CALIFORNIA PENAL CODE PROVISIONS

For a complete set of penal code provisions visit:

[https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PEN&tocTitle="+Penal+Code+"-+PEN](https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PEN&tocTitle=)

**CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] ( Chapter 1 enacted 1872. )**

261. (a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.
- (2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.



(a) For purposes of this section, the following definitions apply:

(1) “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress.

(2) “Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

*(Amended by Stats. 2021, Ch. 626, Sec. 17. (AB 1171)  
Effective January 1, 2022.)*

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(a) A person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(b) A person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(c) A person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(d) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(1) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(F) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.

(Amended by Stats. 2023, Ch. 838, Sec. 1. (AB 1371) Effective January 1, 2024.)

**(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)**

261.6. (a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, “consent” means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

(a) A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.

(b) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

*(Amended by Stats. 2021, Ch. 626, Sec. 18. (AB 1171) Effective January 1, 2022.)*

**(Amended by Stats. 2018, Ch. 423, Sec. 45, (SB1494). Effective January 2019.)**

261.7. In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

*(Amended by Stats. 2021, Ch. 626, Sec. 19. (AB 1171) Effective January 1, 2022.)*

**(Amended by Stats. 2018, Ch. 423, Sec. 45, (SB1494). Effective January 2019.)**

273.5 (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

- (1) The offender’s spouse or former spouse.
- (2) The offender’s cohabitant or former cohabitant.
- (3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
- (4) The mother or father of the offender’s child.

(c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, “traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

(e) For the purpose of this section, a person shall be considered the father or mother of another person’s child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

(f) (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision(a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000).

(2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four

years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$10,000), or by both that imprisonment and fine.

- (a) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.
- (b) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation:
  - (1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that they be imprisoned in a county jail for not less than 15 days.
  - (2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that they be imprisoned in a county jail for not less than 60 days.
  - (3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.
- (c) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:
  - (1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.
  - (2) (A) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.
    - (B) For any order to pay a fine, make payments to a domestic violence shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. An order to make payments to a battered women's shelter shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a person who is married or in a registered domestic partnership caused in whole or in part by the criminal acts of their spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner is exhausted.
- (d) Upon conviction under subdivision (a), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and their immediate family. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.
- (e) If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

*(Amended by Stats. 2022, Ch. 197, Sec. 13. (SB 1493) Effective January 1, 2023)*

- 646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.
- (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.
- (c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.
- (2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.
- (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.
- (e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- (f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”
- (h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- (i) This section shall not apply to conduct that occurs during labor picketing.
- (j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.
- (k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.
- (2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.
- (l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

*(Amended by Stats. 2007, Ch. 582, Sec. 2.5. Effective January 1, 2008.)*

## **STATE LAWS REGARDING ALCOHOL CONSUMPTION**

Generally, transfer, possession, and consumption of alcoholic liquor are restricted by state laws.

### **Age Requirements for Alcohol Consumption - [California Bus. & Prof. Code](#)**

In California, the legal drinking age is 21 years old. Anyone under 21 who buys or drinks an alcoholic beverage at a place that sells it is guilty of a misdemeanor.

It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (Cal. Bus. & Prof. Code 25658 & 25602).

It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages (Cal. Bus. & Prof. Code 25658 & 25662).

### **False Identification**

It is unlawful to possess or to use false evidence of age and identity to attempt to purchase alcohol (Cal. Bus. & Prof. Code 25661).

### **Unpermitted sale of alcohol**

It is a crime to sell alcohol without a valid liquor license or permit (Cal. Bus. & Prof. Code 23301).

### **Public Possession of Alcohol & Public Intoxication Prohibited**

It is unlawful for persons under 21 to have any container of alcohol in any public place or any place open to the public (Cal. Bus. & Prof. Code 25662).

It is a crime to be intoxicated in a public place and unable to exercise care for one's safety and the safety of others. (Cal. Penal Code 647(f)). [California Penal Code-Misc.Crimes](#)

conduct and to attempt to ensure that it does not reoccur. Depending on the circumstances and the severity of the conduct, corrective action could range from an oral/ written warning to dismissal or expulsion.

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

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

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

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

Section V(B)(iii) of this Anti-Discrimination & Harassment Policy addresses unwelcome sexual behavior perpetrated by employees that is inconsistent with the College’s educational mission but outside the scope of the Title IX Policy. Specifically, this Policy contains investigation procedures for allegations of sexual harassment, defined in Section V(B)(iii) below, not covered by the Title IX Policy that are (A) made against a College employee or third party by a student, College employee, or third party and (B) related to or made in the context of the College’s academic, educational, extracurricular, athletic or other programs and activities.

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

## **SECTION II. RESPONSIBILITIES OF COMMUNITY**

### **Membership**

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

## **SECTION III. ACADEMIC/ARTISTIC FREEDOM**

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

## **SECTION IV. CONSENSUAL RELATIONS**

A faculty member is expected to adhere to his or her proper role as an intellectual or artistic guide and avoid any exploitation of his or her students. Additionally, a faculty member has the responsibility to ensure that his or her evaluation of students reflects the true merit of each student. Because it may easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between a faculty member and a student entails serious ethical concerns when the faculty member has professional responsibility for the student, such as when the student is in the faculty member's class.

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

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

**SECTION V. DEFINITION OF DISCRIMINATION**

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

**SECTION V(A). DEFINITION OF DISCRIMINATORY****Harassment**

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

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

Not all situations in which an individual is offended or uncomfortable will be violations of this policy.

Personality clashes, clashes of beliefs or lifestyles alone will not be violations policy nor will conduct that reflects socially and academically acceptable comradeship.

**SECTION V(B). DEFINITIONS OF SEXUAL HARASSMENT**

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

**i. Title IX Sexual Harassment:**

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

- (a) An College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (“quid pro quo harassment”);
- (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s Education Program Or Activity; or
- (c) “Sexual Assault” as defined in 20 U.S.C. 1092(f) (6) (A)(v) and subject to this Policy’s definition of “Consent,” “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30).

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

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



**ii. Sexual Harassment (Student Respondent):**

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

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

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

- (a) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or academic experience; or
- (b) An employment or academic decision affecting an employee or student is made based on that individual's acceptance or rejection of such conduct; or
- (c) A pattern of unwelcome verbal or physical conduct of a sexual nature is directed toward another that unreasonably interferes with that individual(s)' work or class performance or creates an intimidating, hostile, or abusive working or learning environment. Examples of behavior that may constitute sexual harassment include, but are not limited to, the following: unwelcome verbal or physical advances of a sexual nature; requests or subtle pressure, overt or implied, for sexual favors; abusive or threatening behavior directed at a person; remarks, jokes, comments, or observations of a sexual nature that demean or offend individuals on the basis of their sex, provided, however, that such expressions will not be considered sexual harassment if uttered for a valid academic purpose; gestures or other nonverbal behavior of a sexual harassment if based upon a valid academic purpose; and display or distribution of offensive materials of a sexual nature, provided, however, that such expressions will not be considered sexual harassment if used for a valid academic purpose.

**SECTION VI. SANCTIONS**

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

**SECTION VII. RETALIATION; FALSE STATEMENTS**

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

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

**SECTION VIII: PROCEDURES ADDRESSING DISCRIMINATION AND HARASSMENT**

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

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

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

**ii. Investigations of Sexual Harassment:**

- a. Allegations of Title IX Sexual Harassment. Allegations of Sexual Harassment as defined by Title IX are investigated pursuant to the Title IX Policy, Appendix A.
- b. Allegations of Sexual Harassment (Student Respondent). Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is a student are investigated pursuant to the Student Sexual Misconduct Policy in Appendix B.
- c. Allegations of Sexual Harassment (Employee Respondent). Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is an employee are investigated pursuant to Section VIII(B)(ii) of this Policy.

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

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

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

**i. Procedures for Student Complainants****(a) Informal Remedy**

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

**(b) Formal Remedy**

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, and chairs, are responsible for reporting all complaints of Sexual harassment involving a student complainant to the Title IX Coordinator and all other complaints of discrimination or discriminatory harassment involving a student complainant to the Office of Human Resources. A complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible, providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior. Whether the complainant wishes to proceed with the investigation or not, a formal investigation of the complaint will be undertaken. The process is confidential to the extent possible and applies to the accused wrongdoer, the complainant, and witnesses. In the course of the investigation, however, absolute confidentiality cannot be guaranteed. Except as provided otherwise herein, if the alleged conduct appears to violate both this Anti-Discrimination and Harassment Policy and another Columbia policy, such as the student code of conduct, this policy will take precedence over the competing policy.

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

**ii. Procedures for Faculty and Staff Complainants****(a) Informal Remedy**

Columbia encourages any employee or third party subjected to discrimination or discriminatory harassment to talk directly with the alleged discriminator or harasser if the person subjected to discrimination or discriminatory harassment feels comfortable doing so.

If direct communication is selected, the person should tell the alleged discriminator or harasser to stop his or her behavior as soon as the behavior occurs and make it clear that the behavior is unwelcome. The person then should share this information with the Office of Human Resources or with anyone who serves in a supervisory capacity, such as a dean, manager, director, chair, or administrator, so that the situation can be monitored.

**(b) Formal Remedy**

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

chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

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

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

## **APPENDIX A**

### **TITLE IX SEXUAL HARASSMENT POLICY & PROCEDURES**

#### **Section I. Purpose & Applicability.**

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

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

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

## Section II. Scope of Policy.

This Policy is part of the College's Anti-Discrimination & Harassment Policy (the "Discrimination Policy"), which bars all forms of harassment and discrimination based on religion, race, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnicity, or any other category protect by law, by or of Columbia students faculty, or staff. Sections V-VIII of the Discrimination Policy addresses student and employee complaints alleging nonsexual harassment sex discrimination (e.g., complaints of sex-based different treatment in extracurricular activities, or with respect to enrollment in an academic course).

Sections V-VIII and Appendix B of the Discrimination Policy cover sexual harassment that is connected to the College's operations but is outside the scope of this Policy (such as inappropriate behavior occurring during a Study Abroad Program or in a private residence, or offensive acts that are unwelcome but are not so severe, pervasive, and objectively offensive that they constitute Sexual Harassment). Individuals may report all types of sex discrimination (including sexual harassment) to the College by notifying a "Responsible Employee" identified in Section XI(A)(1) below regardless of whether this Policy or a different section of the Discrimination Policy prohibits the behavior.

This Policy applies regardless of the identities of the Complainant and Respondent. Employees, however, may have additional procedural rights and/or responsibilities due to their status or union affiliation. The Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process (the "Tenure Statement") governs the employment of all full-time faculty members. The Columbia Faculty Union ("CFAC") and the United Staff of Columbia College ("USofCC") represent certain part-time faculty and staff, respectively.

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

## Section III. Options For Immediate Emergency

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

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

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

Downtown Chicago Hospitals include:

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

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

C.) To maximize evidence collection:

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

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

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

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

### **The Emergency Room Exam**

A local hospital emergency room can provide immediate medical attention. The emergency room responds to both the physical trauma of the Sexual Violence and the process of collecting evidence in case an individual wishes to report to law enforcement. Rape victim advocacy services are also available at many Chicago hospitals to provide support and referrals.

Hospitals in Illinois are required to notify the local police department that treatment has been given to an individual alleging sexual assault. However, an individual is not required to file a police report.

An individual may sign consent forms to allow the medical personnel to examine, treat, and administer medication, and to release information to the police. An advocate can be present throughout the exam.

After an incident of Sexual Violence, the primary medical concerns are physical injuries, sexually transmitted infections, and pregnancy. At the time of the examination, evidence can also be collected that can be used to prosecute the person(s) who it is alleged participated in Sexual Violence. If an individual wishes to have evidence collected, the individual should not bathe, douche or change clothes before the exam. This may destroy evidence. However, typically, evidence may still be collected up to a week after an incident of Sexual Violence. An individual may wish to bring a change of clothes when going to the emergency room, since clothing may be kept as evidence. A sweatsuit or scrubs may also be provided.

## **Evidence Collection**

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

Evidence may be collected even if the individual does not plan to report the incident to the police. If the individual decides at a later date that it is best to file a police report, this evidence will be available. Any evidence found during the exam may strengthen any resulting criminal court case should the individual decide to file a police report.

Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; collecting material from beneath fingernails; and collection of any other physical evidence (e.g., saliva from bite marks). These samples will be used to detect the DNA and any other debris from other persons involved or the scene of the incident.

The clothes the individual is wearing also may be sent to a crime lab and may be kept as evidence until the case is closed. Photographs may be taken of bruises, cuts and other injuries that occurred. The photographs may be kept as evidence until the case is closed.

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

The Sexual Assault Survivors Emergency Treatment Act ("SASETA") may cover emergency room costs, including any medications received. In such case, the hospital should not bill for any treatment. If an advocate is present, the advocate may be able to answer any questions related to SASETA and help to ensure that an individual is not charged for treatment.

Under the Illinois Crime Victims Compensation Act ("CVCA"), victims of violent crimes who qualify can be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.

## **Sexual Transmitted Infections**

Sexually transmitted infections ("STIs") such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during an act of Sexual Violence. An individual may not learn of an STI until several weeks or months after it has been transmitted.

If an individual is concerned about having an STI, that person should discuss this concern with the treating doctor or nurse. Certain medical professionals can give preventive medicine (e.g., antibiotics, and HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given. An individual should make sure to obtain the name, dosage, purpose, and possible side effects of the drug. The individual should get the actual medicine, not just a prescription.

Even if an individual receives preventive treatment, it is important to be tested for STIs two (2) weeks after Sexual Violence, and again in six (6) weeks. The individual should repeat HIV testing in three (3) to six (6) months.

The College Student Health Center (for students) and the CareATC Clinic (for eligible employees) can test for most STIs and provide referrals for free and low-cost STI and HIV testing.

### **Pregnancy Testing**

For individuals able to give birth, there is a chance that pregnancy could result from Sexual Violence. A test for pregnancy is recommended for all such individuals of childbearing age who are involved in Sexual Violence involving penetration.

- An individual may request a pregnancy test at the time of the exam. However, a test immediately after Sexual Violence will not show if a person is pregnant from the incident. Follow-up testing is the most reliable way to determine whether an individual is pregnant.
- Having a late period does not necessarily mean someone is pregnant. Stress, tension and worry can cause a late period; this happens to many individuals who endure Sexual Violence. Pregnancy testing is available at the Student Health Center (for students) and the CareATC Clinic (for eligible employees).

### **SECTION IV. THE COLLEGE'S TITLE IX COORDINATOR.**

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

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

Neil Callicoa  
 Director of Equity Issues & Title IX Coordinator 623 S. Wabash, Room 315  
 Chicago, IL 60605  
 Phone: 312. 369.6343  
 ncallicoa@colum.edu

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

Nissan Wasfie  
 Director of Integrated Student Communications/ Title IX Investigator  
 754 S. Wabash, Room 332  
 Chicago, IL 60605  
 312-369-7658  
 nwasfie@colum.edu



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

Maxine Garcia  
 Policy Advisor for Employee Matters Director, Employee Relations  
 624 S. Michigan Avenue (room 600)  
 Chicago, IL, 60605  
 Phone: 312-369-7811  
 maxgarcia@colum.edu

#### **SECTION V. RETALIATION PROHIBITED.**

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

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

#### **SECTION VI. FALSE REPORTS.**

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

#### **SECTION VII. AMNESTY FOR STUDENTS UNDER COLLEGE POLICY RESTRICTING THE USE OF DRUGS OR ALCOHOL.**

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

### SECTION VIII. INDIVIDUALS WITH DISABILITIES; REQUESTS FOR ALTERNATIVE SUBMISSION OF DOCUMENTS AND OTHER ACCOMMODATIONS.

Columbia shall endeavor to provide the appropriate accommodations to ensure that individuals with disabilities may participate fully in the steps outlined in this Policy.

Individuals with disabilities who need assistance in reporting Sexual Harassment, participating in the Grievance Procedures, or otherwise with respect to this Policy may contact the below offices:

- Services for Students with Disabilities (For Students) 312.369.8296
- Office of Human Resources (For Employees) 312.369.8215

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

### SECTION IX. INTERNATIONAL STUDENTS & UNDOCUMENTED STUDENTS.

This Policy protects all Columbia students regardless of national origin, immigration status, or citizenship status.

Individuals for whom English is not their first language may contact Clare R. Lake for translation assistance. Mr. Lake is also available to advise concerning non-immigrant status and possible visa issues relating to Sexual Harassment (e.g., the requirement to maintain a full-time course load).

Clare R. Lake

Director, International Student and Scholar Services Multicultural Affairs

618 S. Michigan Ave., 4th Floor 312-369-7246

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

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

<sup>5</sup> As to the elements of severity, pervasiveness, objective offensiveness, and denial of equal access, determinations are made with reference to a reasonable person in the shoes of the Complainant (in light of the known circumstances and the facts of each situation). Effective denial of equal access to education does not require that a person's total or entire educational access has been denied. Signs of enduring unequal educational access due to severe, pervasive, and objectively offensive Sexual Harassment may include skipping class to avoid a harasser, a decline in a student's grade point average, or having difficulty concentrating in class; however, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the Complainant's position of the ability to access a College Education Program or Activity on an equal basis with persons who are not suffering such harassment. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal educational opportunity is Sexual Harassment regardless of the Respondent's intent (or not) to cause harm.

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

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

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

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

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

**SECTION X. WHAT CONSTITUTES SEXUAL HARASSMENT**

- A. Sexual Harassment.** “Sexual Harassment” means conduct on the basis of sex (including, without limitation, conduct based on gender identity – perceived or actual – or gender stereotypes) that satisfies one or more of the following:
- (1) A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome<sup>3</sup> sexual conduct (“quid pro quo harassment”)<sup>4</sup>;
  - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive<sup>5</sup> that it effectively denies a person equal access to the College’s Education Program Or Activity; or (3) “Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A) (v) and subject to this Policy’s definition of “Consent,” “Dating Violence” as defined in 34 U.S.C. 12291(a)(10), “Domestic Violence” as defined in 34 U.S.C. 12291(a)(8), or “Stalking” as defined in 34 U.S.C. 12291(a)(30).<sup>6</sup>
- B. Sexual Assault.** “Sexual Assault” means any sexual act directed against another person, without Consent of the victim, including instances where the victim is incapable of giving Consent. Sexual Assault includes “Rape,” “Fondling,” “Incest,” and “Statutory Rape.”<sup>7</sup>
- (1) Rape. “Rape” is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim. This offense includes the rape of both males and females.
  - (2) Fondling. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - (3) Incest. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law [in the applicable jurisdiction].
  - (4) Statutory Rape. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent [in the applicable jurisdiction].
  - (5) Consent.<sup>8</sup> “Consent” is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity.<sup>9</sup> Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. An individual’s decision to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. An individual’s manner of dress does not constitute Consent. Consent to engage in sexual activity may be withdrawn by an individual at any time. Being intoxicated or otherwise impaired due to drugs and/ or alcohol does not diminish one’s responsibility to obtain Consent.

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

<sup>12</sup> Any person may report Sexual Harassment or any another type of sex discrimination prohibited by the Discrimination Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute such behavior), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Coordinator.

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

**Incapacity:** In some situations, the College may determine an individual to be incapable of giving Consent to sexual activity due to the circumstances, the individual's age or the behavior of another.

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

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

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

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

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

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

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

**F. Examples of Unwelcome Conduct Potentially Prohibited By Section X(A)(2).** Depending on the circumstances, unwelcome conduct determined by a reasonable person to be so severe, pervasive, and may, but not necessarily, include (without limitation):

- (1) Unwelcome sexual advances;
- (2) Requests for sexual favors (overt or implied);
- (3) Abusive or threatening behavior of a sexual nature directed at a person;
- (4) Remarks, jokes, comments, or observations of a sexual nature that demean or offend individuals;

- (5) Gestures or other nonverbal behavior of a sexual nature that demean or offend individuals; and
- (6) Display or distribution of offensive materials of a sexual nature.

## SECTION XI. ON-CAMPUS OPTIONS FOR REPORTING SEXUAL HARASSMENT

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

1. **Responsible Employees:** A Responsible Employee is a College employee who has the duty to report incidents of Sexual Harassment to the Coordinator. Responsible Employees are required to report all the details of alleged Sexual Harassment (including the identities of the Complainant, Respondent, and any witnesses, if known, and pertinent facts such as date, time, and location) to the Coordinator. Responsible Employees include:<sup>11</sup>
  - The Coordinator<sup>12</sup>;
  - The Investigator;
  - Employees with “Dean,” “Associate Dean,” “Assistant Dean,” “Chair,” “Associate Chair,” “Director,” “Coordinator,” “Provost,” “Associate Provost,” “Assistant Provost,” “Chief of Staff,” “Vice President,” “Assistant Vice President,” “Associate Vice President,” or “President” in their titles<sup>13</sup>;
  - All part-time and full-time faculty members;
  - Resident Advisors (“RAs”);
  - All employees in the Office of Human Resources and the Office of the Vice President of Student Affairs (including the Dean of Students’ Office and
  - the Residence Life staff), excluding those employees who are Confidential Resources.
  - All employees in the Office of Safety & Security (including its independent contractor security personnel). The Associate Vice President for the Office of Safety & Security is Ronald Sodini center at (312) 369-1111. The non-emergency command center phone number is (312) 369-3220.

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

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

2. **Confidential Resources:** Complainants who desire strictly confidential support and assistance, to the extent permitted by law, may contact a Confidential Resource. Under some circumstances, these employees are required to maintain near complete confidentiality. Confidential Resources are not required to disclose alleged incidents to the Coordinator. Under certain circumstances, the law and applicable professional codes require the below-listed individuals and resources to keep the details of Sexual Harassment in a confidential manner and to refrain from disclosing such information to any third parties without the Complainant's consent. Complainants should be aware, however, that local, state, and/or federal law may require these employees to disclose an incident where there is an imminent risk of self-harm or the Complainant poses a danger to another party.

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

The following are Confidential Resources on-campus:

#### **FOR STUDENTS**

##### **Columbia College Chicago Student Health Center**

(Licensed Physicians & Nurses) 916 S. Wabash, 5th Floor 312.369.6830

<https://students.colum.edu/health-center/>

By appointment or walk-in

##### **Counseling Services (Professional Counselors)**

916 S. Wabash, 5th Floor 312.369.8700

<https://students.colum.edu/counseling-services/>

By appointment or walk-in

##### **Office of Student Relations (Professional Counselors)**

623 S. Wabash, Room 301

312.369.8595

By appointment or walk-in

##### **Confidential Advisors**

Nissan Wasfie

Director of Integrated Student Communications/ Title IX Investigator

754 S. Wabash, Room 332

Chicago, Illinois 60605

312-369-7658

nwasfie@colum.edu

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

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

#### FOR ELIGIBLE EMPLOYEES

##### **Columbia Care ATC Clinic (Licensed Physicians & Nurses)**

600 S. Michigan, Suite 402  
 800.993.8244  
 By appointment or walk-in

#### FOR ALL EMPLOYEES

**Employee Assistance Program** Morneau-Shepell, WorkHealthLife 800.272.2727

<https://www.workhealthlife.com/>

- B. Anonymous Reporting.** Individuals may make anonymous reports of Sexual Harassment to the Coordinator by completing and submitting the online form available at [www.colum.ethicspoint.com](http://www.colum.ethicspoint.com) or by calling (844) 406-8158. However, depending on the extent of information available about the incident, the College's ability to respond to such reports may be limited.
- C. When To Report.** Individuals may report Sexual Harassment to the College at any time. However, the College encourages Complainants (who elect to report) to disclose Sexual Harassment to the College as expediently as possible. The College's options to address a report may be limited when it receives Actual Notice of an alleged incident a significant period of time after the occurrence of the alleged Sexual Harassment. To illustrate, as further explained in section XV(A), a Complainant may not file a Formal Complaint unless the Complainant is presently participating in or attempting to participate in a College Education Program Or Activity.
- D. The Role of Witnesses & Other Third Parties.** Witnesses to Sexual Harassment, including bystanders and other third parties intending to report Sexual Harassment to the College, shall promptly report the details of the offending behavior to a Responsible Employee so that the College may address the circumstances as required in Section XIII. The College understands that witnesses to Sexual Harassment may need support resources as well. Accordingly, witnesses may seek confidential support from a Confidential Resource regarding how to address any effects from observing or otherwise becoming aware of Sexual Harassment. As explained previously, any retaliation against an individual who has reported Sexual Harassment is a violation of the Discrimination Policy.

- E. What To Expect When Reporting.** The College realizes that it may be difficult for a Complainant or witness to disclose alleged Sexual Harassment. Accordingly, to the extent practicable, the College's Responsible Employees and Confidential Resources shall endeavor to provide a supportive environment where Complainants and witnesses are comfortable reporting an incident.
- F. Encouragement of Dual Reporting With Local Law Enforcement.** The College encourages, but does not require, witnesses and Complainants who report to the College to also notify local law enforcement. Under some circumstances, Sexual Harassment may violate both college policy and criminal law. The College may proceed with an internal investigation under this Policy simultaneously with a criminal investigation. While criminal investigations may facilitate fact-finding, the outcome of a criminal proceeding may not be indicative of whether alleged Sexual Harassment violates Title IX and this Policy. The Coordinator and Confidential Resources, including Confidential Advisors, are available to assist individuals with reporting to local law enforcement. The Chicago Police Department's 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.

## SECTION XII. ON-CAMPUS RESOURCES FOR RESPONDENTS.

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

## SECTION XIII. THE COLLEGE'S GENERAL RESPONSE TO SEXUAL HARASSMENT:

- A. Overall Obligations & Geographic Jurisdiction.** The College shall respond promptly as required in this section XIII to any allegation of Sexual Harassment, regarding which the College has Actual Knowledge, that is: (i) in a College Education Program Or Activity, and (ii) made against a person in the United States.
- 1. Actual Knowledge.** "Actual Knowledge" means Notice (as hereinafter defined) of Sexual Harassment or allegations of Sexual Harassment to the Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Such individuals may receive Actual Knowledge through an oral report of Sexual Harassment by a Complainant or anyone else, a written report, through personal observation, through a newspaper article, through an anonymous report, or through various other means. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" as used in this paragraph

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

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



includes, but is not limited to, a report of Sexual Harassment to the Coordinator in person, by mail, by telephone, or by electronic mail using the contact information listed for the Coordinator in section IV, or by any other means that results in the Coordinator receiving the person's verbal or written report.

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

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

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

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

**B. Offer of Supportive Measures & Right To File a Formal Complaint.** As soon as practicable but no later than three (3) days<sup>14</sup> after the College obtains Actual Knowledge of Sexual Harassment or allegations of Sexual Harassment, the Coordinator shall contact the Complainant to: (1) discuss the availability of Supportive Measures (as defined in this section), (2) consider the Complainant's wishes with respect to such measures, (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain to the Complainant the process for filing a Formal Complaint.<sup>15</sup> The Coordinator shall offer Supportive Measures to the Complainant after engaging in an interactive, meaningful dialogue with the Complainant. The Coordinator shall also offer Supportive Measures to the Respondent through an interactive, meaningful dialogue prior to the Respondent's receipt of notice of a Formal Complaint, if the Respondent requests such measures. "Supportive Measures" means non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College Education Program Or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter Sexual Harassment.

Supportive Measures may include, but are not limited to:

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

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

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

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

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

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

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

#### SECTION XIV. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE.

- A. **Emergency Removal.** Notwithstanding anything to the contrary contained in this Policy, the College may remove a Respondent from a College Education Program Or Activity on an emergency basis, provided that it: (a) undertakes an individualized safety and risk analysis, (b) determines that an immediate threat to the physical health or safety of any student or other individual (e.g., a witness) arising from the allegations of Sexual Harassment justifies removal, and (c) provides the Respondent with notice (identifying the immediate threat justifying removal) and an opportunity to challenge the decision immediately following the removal as described below. The Coordinator shall forward any cases that the Coordinator has determined potentially involve such threat to the College's Behavioral Threat Assessment Team ("BTAT") for review and a determination. When making an immediate threat determination, the BTAT shall consider the appropriateness of Supportive Measures in lieu of an Emergency Removal and the anticipated timing needed to conclude the Grievance Procedures. The BTAT may consider a threat of physical self-harm and the Respondent's post incident actions or behavior related to the alleged Sexual Harassment, among other factors, when engaging in such a determination. The Respondent shall have up to seven (7) days after receipt of notice of an Emergency Removal to challenge the BTAT's decision by submitting a written protest to the Associate Vice President of Campus Safety & Security. Such protest shall identify in sufficient detail why the Respondent does not pose the immediate threat (or threats, as appropriate) identified by the BTAT to the physical health or safety of any student or another individual. The Associate Vice President of Campus & Safety shall have seven (7) days from receipt of a written protest to consider the protest and issue a final determination.
- B. **Administrative Leave.** Notwithstanding anything to the contrary contained in this Policy, the Coordinator may place a non-student employee Respondent on administrative leave during the pendency of the applicable Grievance Procedures (i.e., after the filing of a Formal Complaint).<sup>16</sup> The Coordinator shall determine within the Coordinator's discretion whether such administrative leave is with or without pay or continuation of benefits.
- C. **Statutory Rights.** This section shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- D. **No Impact on Presumption of Responsibility.** Any emergency removal or administrative leave imposed pursuant to this section shall have no bearing on the presumption of non-responsibility established in section XV(B)(8) for the Grievance Procedures.

## SECTION XV. SEXUAL HARASSMENT GRIEVANCE PROCEDURES

- A. Filing a Formal Complaint.** The Complainant may initiate these Grievance Procedures by filing a Formal Complaint. A “Formal Complaint” means a document filed by a Complainant or signed by the Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. Where possible, the Formal Complaint should include the following: the name of the Respondent (if known); a chronology of the relevant events, detailing dates, places, and times; a description of the alleged Sexual Harassment; and the names of any witnesses to the alleged Sexual Harassment or persons with knowledge of the Sexual Harassment; however, such information is not required.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College Education Program Or Activity with which the Formal Complaint is filed.<sup>17</sup> A Formal Complaint may be filed with the Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Coordinator in section IV. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through the College’s Whistleblower website) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

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

### B. Generally Applicable Information

1. **Equitable Treatment of Complainants and Respondents.** These Grievance Procedures treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by following a process that complies with Title IX before the imposition of any disciplinary sanctions (or other actions that are not Supportive Measures) against a Respondent.
2. **Grievance Timeline & Extensions.** The College designed its Grievance Procedures to investigate a matter, hold a Hearing and to render a determination within seventy-five (75) calendar days upon receipt of a Formal Complaint, and then to provide an opportunity for appeal. However, due to reasons outside of the College’s control (e.g., a Formal Complaint submitted when the College is closed for Winter Break) some investigations may take longer than others. The Coordinator may implement a limited deadline extension or temporary delay for good cause upon written notice to the parties.

Such notice shall include the reason for the timeline or procedural modification. Additionally, either party may request a limited deadline extension or temporary delay of the Grievance Procedures for good cause, and the Coordinator will grant or reject such requests in its discretion. Good cause may include considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity [as addressed in Section XV(B)(5)]; or the need for language assistance or accommodation of disabilities.

3. **Conflicts.** The Coordinator shall select the Investigator, the Hearing Panel, Appeals Officer, and Informal Resolution Facilitator, for each investigation from a pool of College employees or third parties specifically trained to serve in those roles. The College will appoint a replacement if: (a) any individual, including the Coordinator, tasked with a responsibility under this Policy is the Respondent or Complainant, or (b) the College determines in its sole discretion that any such person has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent (due to a preexisting relationship or otherwise). Whether bias exists requires examination of the particular facts of a situation. In the event the Complainant or Respondent believes that the Coordinator or Policy Advisor for Employee Matters is conflicted, the party should inform the Associate Vice President of Human Resources as soon as reasonably feasible – no later than five (5) days after the parties' receipt of written notice from the Coordinator regarding the filing of a Formal Complaint [as required by section XV(C)(1)] if a Formal Complaint is filed by the Complainant or signed by the Coordinator. The Respondent or Complainant shall inform the Coordinator of any perceived conflicts with the Investigator, Hearing Panel, Appeals Officer, or Informal Resolution Facilitator within three (3) days after receiving notice of such assignments. The Coordinator, or Associate Vice President of Human Resources, as applicable, shall apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating conflict objections, exercising caution not to apply generalizations that might lead to unreasonable conclusions that bias exists.
  
4. **Notices.** Except as otherwise specifically provided herein, all notices or communications due under this Policy shall be in writing and mailed or emailed to the respective addresses set forth in this Policy, or provided in person to the required individual, or given over the phone directly to the required individual. Neither leaving a message with an individual other than the required administrator nor recording a voicemail shall constitute notice. Written notice shall be deemed given on the date of its receipt by the College. The default method of transmission by the College for all notices, reports, responses, and other forms of communication detailed in this Policy shall be email using Columbia email addresses (for students and employees).
  
5. **Investigation Delays Due To Law Enforcement Requests.** Upon request by law enforcement, the College may elect to delay its investigation until after the police or other governmental investigatory body has completed the first stages of its fact-gathering. During such a delay, the College shall continue to implement Supportive Measures and to communicate with the Complainant and Respondent regarding their rights under this Policy. When law enforcement has completed this initial step, the College shall promptly resume its own investigation. While the College may temporarily delay its processes pursuant to this section to avoid interfering with law enforcement efforts, the College shall otherwise apply this Policy without regard to the status or outcome of any criminal process.

- 6. Consolidation of Formal Complaints.** The Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party (i.e., a cross-complaint), where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the Grievance Procedures involve more than one Complainant or more than one Respondent, references in in the Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.
- 7. Advisor.** Each party may bring one advisor of the party’s choice (an “Advisor”) to any meeting or hearing conducted pursuant to these Grievance Procedures. The Advisor may be, but is not required, to be an attorney. Except for engaging in cross-examination during a Hearing as detailed in section XV(E)(5), sitting next to and quietly conferring with the party, and requesting a recess, the Advisor shall not participate in any meeting or Hearing; this means that each party must personally respond to any questions posed by the Coordinator, Investigator, Informal Resolution Facilitator, or the Hearing Panel. The Coordinator, in the Coordinator’s sole discretion, may remove an Advisor who is not abiding by these rules or is creating a disruption.
- 8. Presumption of Non-responsibility & Burden of Proof.** There is a presumption that the Respondent is not responsible for the alleged Sexual Harassment until a determination regarding responsibility is made at the conclusion of these Grievance Procedures. Throughout the Grievance Proceedings, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.
- 9. Medical and Psychological Treatment Records.** The College shall not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party’s voluntary, written consent to do so for the Grievance Proceedings.
- 10. Equal Opportunities to Present Evidence.** Throughout the Grievance process, each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- 11. Court Orders.** The College shall abide by any and all orders of protection, no-contact orders, restraining orders, or similarly lawful orders issued by a court of appropriate jurisdiction and authority.
- 12. Legally Recognized Privileges.** These Grievance procedures do not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
- 13. Rape Shield.** Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the

questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

- 14. No Restrictions on Discussion of the Allegations.** Nothing in this Policy restricts the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- 15. Advance Written Notice of Meetings.** The College shall provide a party with advance written notice of the date, time, location, participants, and purpose of any Hearing, investigation interview, or other meeting where the party's participation is invited or expected. The notice shall provide sufficient time for the party to prepare for the meeting.
- 16. Training.** The College provides training to all students and employees and confirms that individuals with responsibilities under this Policy are qualified to perform their duties as required by Illinois' Preventing Sexual Violence in Higher Education Act, Title IX, and all other applicable laws. All College employees whose duties include resolution of complaints under this Policy shall receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, Domestic Violence, Dating Violence, Stalking and their responsibilities under this Policy in compliance with 110 ILCS 155/25(b)(3). As required by 110 ILCS 155/30(c), the College shall provide trauma-informed response training to any employee involved in (a) the receipt of a student report of an alleged incident of sexual violence, Domestic Violence, Dating Violence, or Stalking, (ii) the referral or provision of services to an individual who has endured such behavior while enrolled, or (iii) any campus complaint resolution procedure that results from an alleged incident of sexual violence, Domestic Violence, Dating Violence, or Stalking.

As required by 34 C.F.R. § 106.45(b)(1)(iii), the College shall ensure that the Coordinator, Investigators, Hearing Panel members, Appeals Officers, and Informal Resolution Facilitators, receive training on the definition of Sexual Harassment, the scope of the "College Education Program Or Activity" phrase, how to conduct the Investigation and Grievance Procedures in this Policy (including Hearings, appeals, and informal resolution processes) as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The College must also ensure that decision-makers receive training on any technology to be used at a live Hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in section XV(B)(13). In addition, the College must verify that Investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence, as required by section XV(C)(6). The aforementioned is in addition to any other training required by Title IX or other federal, state, or local laws with respect to the College employees listed above, College provided advisors, or other College employees or agents with responsibilities under this Policy.

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

### c. Investigating Sexual Misconduct

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

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

- the allegations;
- an identification of the individual responsible for facilitating the information resolution, who may be the Title IX Coordinator, another College official, or a suitable third-party ("Informal Resolution Facilitator");
- the requirements of the Informal Resolution Process, including the circumstances where the parties are precluded – during the Informal Resolution Process or due to a final resolution – from resuming the investigation and adjudication of the allegations at issue in the Formal Complaint;
- that the specific manner of any Informal Resolution Process shall be determined by the parties and the Title IX Coordinator, in consultation together;
- that, at any time prior to agreeing to a final resolution, any party has the right to withdraw from the Informal Resolution Process and resume
- the grievance process with respect to the Formal Complaint;
- an explanation of any other consequence resulting from participation in the Informal Resolution Process, including a description of records that will be generated, maintained, and/or shared [the College shall maintain all records relating to the Informal Resolution Process in the confidential manner described in Section XIII(C)];



- that information disclosed by the parties as part of the Informal Resolution Process shall not be considered by the Investigator or the Hearing Panel; and
- the College shall close the Informal Resolution Process period and reinstate the formal grievance process if a resolution is not reached within twenty one (21) days of the parties' written consent to begin this process.

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

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

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

- a.) Requirement to Investigate: within seven (7) days after signing a Formal Complaint or receipt of a Formal Complaint filed by the Complainant, the Coordinator shall review the allegations in the Formal Complaint, and – by written notice to each party – either: (a) determine that the Formal Complaint is subject to resolution through these Grievance Procedures, and assign the matter to an Investigator, providing the Investigator's name and title, or (b) dismiss the Formal Complaint as provided below.
- b.) Mandatory Dismissal: if the conduct alleged in the Formal Complaint: (i) would not constitute Sexual Harassment even if proved, (ii) did not occur in a College Education Program Or Activity, or (iii) did not occur against a person in the United States, then the College must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under this Policy (which was drafted to comply with Title IX); such a dismissal does not preclude action under other sections of the Discrimination Policy, the Student Code of Conduct, the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process, an applicable collective bargaining agreement, or any other Columbia policy or agreement.
- c.) Discretionary Dismissal: The Coordinator may – in the Coordinator's discretion – dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or Hearing: (i) a Complainant notifies the Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (ii) the Respondent is no longer enrolled or employed by the College; or (iii) specific

circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. This Policy provides the College with discretion to proceed with an investigation against a Respondent in circumstances where a Complainant requests that the Formal Complaint or allegations be withdrawn. The College may determine that it is prudent to proceed with an investigation against a Respondent where, for example, the College has gathered evidence apart from the Complainant's statements and desires to reach a determination regarding the Respondent's responsibility, the Respondent poses an ongoing risk to the Community, or for other reasons.

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

- d.) Notice of Dismissal: Upon a dismissal required or permitted pursuant to this section, the Coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- e.) Appeal of Dismissal: Either party may appeal a dismissal upon the conditions established in section XV(l).

4. **Preliminary Meeting With Coordinator.** In any written notice informing the parties that the Coordinator has assigned the Formal Complaint to an Investigator, the Coordinator shall also offer to meet separately with the Complainant and the Respondent to apprise both parties of their rights under this Policy and to address questions related to these Grievance Procedures. During such meeting, the Coordinator shall also provide both parties with notice of the types of information that likely will be disclosed during the investigation, the recipients of this information, and the reasons for any disclosures. If the Coordinator has not previously offered Supportive Measures to the Respondent through an interactive process upon the Respondent's request [as detailed in section XIII(B)], the Coordinator shall do so in the meeting with the Respondent.
5. **Fact Gathering and Procedural Equality.** The Investigator shall undertake a thorough search for relevant facts and evidence pertaining to the Formal Complaint while operating under the constraints of conducting and concluding the investigation under the designated time frames established in these Grievance Procedures. The Investigator shall meet with the parties, identify and interview witnesses, and visit relevant locations. As soon as practicable after beginning an investigation, the Investigator shall meet with each party individually to schedule a timeframe for submitting relevant evidence and identifying witnesses. Submission deadlines and other restrictions on the presentation of evidence shall apply equally to both parties. During the fact gathering stage, the Investigator shall provide the Complainant and respondent with periodic updates of the status of the investigation. Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the

evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

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

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

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

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

1. **Notice of Pre-hearing Conference and Hearing.** The Coordinator shall arrange for a live Hearing to determine whether the Respondent is responsible for the alleged Sexual Harassment. Within five (5) days after submission of the Investigative Report to the parties, the Coordinator shall submit written notice to the parties providing: the composition of the assigned Hearing Panel; the location, date, and time for a Prehearing Conference; a statement that the parties must submit any written response to the Investigative Report no later than twenty four (24) hours before the Pre-hearing Conference; the location, date, and time for the Hearing; and a copy of the College's Hearing procedures. Unless the parties agree to an expedited schedule, neither the Pre-hearing Conference, nor the Hearing itself, may be held any earlier than ten (10) days from the date of transmittal of this written notice. A party shall promptly inform the Coordinator if the party has a conflict on the scheduled dates; the Coordinator may propose an alternative Hearing date but is not obligated to do so.

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

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

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

- 4. Issuance of Notices of Attendance.** After the Prehearing Conference, the Hearing Panel shall transmit notices of attendance to any College employee or student whose attendance is requested at the hearing as a witness. The

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

## E. The Hearing

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

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

2. **Hearing Panel Composition.** The Hearing Panel consists of a Lead Hearing Officer (the "Lead") and two Hearing Officers. The Lead and each of the Hearing Officers shall be College employees or other individuals trained to perform these roles as required by Title IX.
3. **Time limits.** No Hearing shall exceed more than six (6) hours per day, or eighteen (18) hours per week. The Coordinator shall schedule extra days, as necessary, for Hearings that require more than one (1) day. Where practicable, such Hearing sessions should occur on consecutive days. The parties shall endeavor in good faith to be available for additional days in the event of an emergency (or other event) requiring a continuance or to accommodate other delays.
4. **General Overview & Hearing Panel's Role.** The Lead shall preside over the Hearing in an orderly, non adversarial manner. As further explained in section XV(E)(6), The Hearing Panel shall make all relevancy determinations. Each Hearing shall consist of: an explanation of the Sexual Harassment allegations and the Hearing rules by the Lead; an opportunity for each party to give short, opening statements; questions from the Hearing Panel to each party and witness; cross-examination by each party's advisor of the other party and the witnesses; follow-up questions as necessary by the Hearing Panel; and an opportunity for any brief, closing remarks by the parties. The Lead shall determine when to take a recess or to adjourn. Parties and witnesses should answer questions to the best of their knowledge. As addressed previously in section VI, knowingly providing false information is a violation of the Discrimination Policy, and may result in discipline.

- 5. Cross-Examination by a Party's Advisor.** Each party's Advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross examination at the Hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. A party's Advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Advisors shall conduct cross-examination in a respectful, no abusive manner. No individual shall be "yelled at" or asked questions in an intimidating manner. An Advisor's failure to follow this or any other rule established pursuant to this Policy may result in the Advisor's suspension from the proceedings; in such event, the Hearing Panel shall assign – at the College's cost - an advisor of the College's choice to replace the suspended Advisor.
- 6. Only Relevant Questions Permitted.** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. When assessing relevancy, the Panel shall consider whether the question asks about a detail that is probative of any material fact concerning the allegations. As provided above in section XV(C)(6), evidence is relevant if it is pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Questions that are duplicative or repetitive are not relevant and may be excluded by the Hearing Panel. Federal or state rules of evidence do not apply. In summary, the following types of evidence and information are irrelevant or otherwise prohibited from use during the Grievance Procedures (including any Hearing):
- (a) information protected by a legally recognized privilege (as explained in section XV(B)(12);
  - (b) evidence about a Complainant's prior sexual history (except as provided otherwise in this Policy in Section XV(B)(13); and
  - (c) any party's medical, psychological, and similar records unless the party has given voluntary, written consent (as explained in section XV(B)(9).
- 7. Optional Participation.** The College encourages, but does not require, the Complainant, Respondent, and any witnesses' full participation in a Hearing. Columbia acknowledges that Hearings (which, as explained above, include cross-examination) concerning Sexual Harassment may be emotionally challenging and uncomfortable, and that an individual may decide reasonably not to attend at all, to attend the Hearing but to decline to participate in cross examination, to answer some but not all of a party's Advisor's questions during cross-examination, or a different arrangement.

The Hearing Panel shall not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live Hearing or refusal to answer cross-examination or other questions.

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

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

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

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

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

**G. Disciplinary Sanctions & Remedies.** If the Hearing Panel finds a violation of this Policy, the Coordinator shall forward the aforementioned Hearing Panel report to the Dean of Students, the Associate Vice President for Human Resources, and/or the Provost for a determination of the appropriate remedies for the Complainant and disciplinary sanctions for the Respondent. Such decisions shall be made as follows: by the Dean of Students for student parties, by the Associate Vice President for Human Resources for staff parties, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty parties. The remedies shall be designed to restore or preserve equal access to the affected College Education Program Or Activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Remedies include (without limitation):

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

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

When determining disciplinary sanctions and remedies, the Dean of Students, the Associate Vice President for Human Resources, or the Provost, as applicable, may consider aggravating and mitigating factors, including but not limited to:

- (1) whether the Respondent has engaged in sexual discrimination in the past,
- (2) the nature of such past violations, if any,
- (3) the extent to which the Sexual Harassment at issue here was premeditated,
- (4) the impact of the behavior on the Complainant and/or the Columbia community,
- (5) whether the Respondent is apologetic or has otherwise accepted responsibility,
- (6) deterrence considerations,
- (7) the probability that the Respondent will violate the Policy again, and
- (8) the Respondent's involvement in the Columbia community.

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

- (1) Identification of the allegations potentially constituting Sexual Harassment;
- (2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including the date the College received notice of the allegations, the name of the Investigator, any notifications to the parties, interviews with parties and witnesses (with dates and locations), site visits, methods used to gather other evidence, the process undertaken by the parties to inspect and review the evidence and the Investigative Report, hearings held, any delays or Policy modifications, and any inability to obtain evidence (such as the unavailability of a witness).
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of this Policy to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College Education Program Or Activity will be provided by the College to the Complainant; and
- (6) The procedures and permissible bases in this Policy for the Complainant and Respondent to appeal. The Hearing Panel's determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Coordinator is responsible for effective implementation of any remedies.



## I. THE APPEAL.

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

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

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

## SECTION XVI. OFF-CAMPUS RESOURCES FOR ASSISTANCE & SUPPORT.

The below Chicago area organizations may offer support, assistance, and information to Complainants, Respondents, witnesses, or others affected by Sexual Harassment. Individuals should contact these organizations for additional information regarding offered services, intended recipients, and applicable confidentiality policies.

### **YWCA Metropolitan Chicago**

1 N. LaSalle Street Suite 1150

Chicago, IL 60602

312.733.2102

<https://ywcachicago.org/our-work/sexual-violencesupport-services>

**Resilience (Formally RVA)**

180 N. Michigan Suite 600

Chicago, IL 60601

312.443.9603

[www.ourresilience.org](http://www.ourresilience.org)

**Center on Halsted**

3656 N. Halsted St Chicago, IL 60613 773.472.6469

<http://www.centeronhalsted.org>

**YWCA Metropolitan Chicago Rape Crisis Hotline**

(Chicago RAINN affiliate)

Call 888.293.2080 in Chicago Metropolitan Area <https://ywcachicago.org/our-work/sexual-violencesupport-services>

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

**SECTION XVII. PRECEDENCE OVER OTHER COLLEGE POLICIES.**

In the event of a conflict between the terms of this Policy and other sections of the College's Discrimination Policy, or any other College policy or agreement, the terms of this Policy shall control.

**SECTION XVIII. POLICY REVIEW & MODIFICATION.**

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

**APPENDIX B**

**STUDENT SEXUAL MISCONDUCT POLICY & PROCEDURES**

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

This Policy addresses unwelcome sexual behavior perpetrated by students that is inconsistent with the College's educational mission but outside the scope of Title IX. Specifically, the Policy contains Grievance Procedures (defined and

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

## **SECTION II. SCOPE OF POLICY.**

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

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

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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.

**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.

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

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**

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

Evidence may be collected even if the individual does not plan to report the incident to the police. If the individual decides at a later date that it is best to file a police report, this evidence will be available. Any evidence found during the exam may strengthen any resulting criminal court case should the individual decide to file a police report.

Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; collecting material from beneath fingernails; and collection of any other physical evidence (e.g., saliva from bite marks). These samples will be used to detect the DNA and any other debris from other persons involved or the scene of the incident.

The clothes the individual is wearing also may be sent to a crime lab and may be kept as evidence until the case is closed. Photographs may be taken of bruises, cuts and other injuries that occurred. The photographs may be kept as evidence until the case is closed.

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

The Sexual Assault Survivors Emergency Treatment Act (“SASETA”) may cover emergency room costs, including any medications received. In such case, the hospital should not bill for any treatment. If an advocate is present, the advocate may be able to assist with any questions related to SASETA and help to ensure that an individual is not charged for treatment.

Under the Illinois Crime Victims Compensation Act (“CVCA”), victims of violent crimes who qualify can be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.

### **Sexual Transmitted Infections**

Sexually transmitted infections (“STIs”) such as chlamydia, gonorrhea, syphilis, herpes, and HIV can be transmitted during an act of Sexual Violence. An individual may not learn of an STI until several weeks or months after it has been transmitted.

If an individual is concerned about having an STI, the individual should discuss this concern with the treating doctor or nurse. Certain medical professionals can give preventive medicine (e.g., antibiotics, and HIV post-exposure prophylaxis) at the time of the exam. The individual should receive information on any medication given. An individual should make sure to obtain the name, dosage, purpose, and possible side effects of the drug. The individual should get the actual medicine, not just a prescription.

Even if an individual receives preventive treatment, it is important to be tested for STIs two (2) weeks after Sexual Violence, and again in six (6) weeks. The individual should repeat HIV testing in three (3) to six (6) months. The College Student Health Center (for students) and the CareATC Clinic (for eligible employees) can test for most STIs and provide referrals for free and low-cost STI and HIV testing.

### **Pregnancy Testing**

For individuals able to give birth, there is a chance that pregnancy could result from Sexual Violence. A test for pregnancy is recommended for all such individuals of childbearing age who are involved in Sexual Violence involving penetration.

An individual may request a pregnancy test at the time of the exam. However, a test immediately after Sexual Violence will not show if a person is pregnant from the incident. Follow-up testing is the most reliable way to determine whether an individual is pregnant.

Having a late period does not necessarily mean someone is pregnant. Stress, tension and worry can cause a late period; this happens to many individuals who endure Sexual Violence. Pregnancy testing is available at the Student Health Center (for students) and the CareATC Clinic (for eligible employees).

#### **SECTION V. THE COLLEGE'S TITLE IX COORDINATOR.**

Columbia's Title IX Coordinator (the "Coordinator") is Neil Calliccoat. Mr. Calliccoat oversees this Policy and is tasked with identifying and addressing any patterns or systematic problems revealed by Sexual Misconduct reports. He is responsible for ensuring, through regular review, that the College's Grievance Procedures remain prompt, equitable, and effective. Mr. Calliccoat also leads related training, and prevention and education efforts. Mr. Calliccoat 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. Calliccoat (contact information below).

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

The College's Title IX Investigator is Nissan Wasfie. Unless a conflict exists, Mr. Wasfie 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). Mr. Wasfie's contact information is as follows:

Nissan Wasfie  
 Director of Integrated Student Communications/ Title IX Investigator  
 754 S. Wabash, Room 332  
 Chicago, IL 60605  
 312-369-7658  
 nwasfie@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.

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

## SECTION VII. FALSE REPORTS.

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

## SECTION VIII. AMNESTY UNDER COLLEGE POLICY

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

## SECTION IX. MULTIPLE OPTIONS FOR REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL HARASSMENT

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

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

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

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



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

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

<https://students.colum.edu/health-center/>

By appointment or walk-in

### **Counseling Services (Professional Counselors)**

916 S. Wabash 5th Floor 312.369.8700

<https://students.colum.edu/counseling-services/>

By appointment or walk-in

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

312.369.8595

By appointment or walk-in

### **Confidential Advisors\***

Nissan Wasfie

Director of Integrated Student Communications/ Title IX Investigator

754 S. Wabash, Room 332

Chicago, IL 60605

312-369-7658

nwasfie@colum.edu

Charee Mosby-Holloway

Director of Student Diversity & Inclusion

618 S. Michigan, 4th Floor 312.369.7994

cmosbyholloway@colum.edu

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

## ON CAMPUS RESOURCES FOR ELIGIBLE EMPLOYEES

### Columbia Care ATC Clinic (Licensed Physicians & Nurses)

600 S. Michigan, Suite 402

800.993.8244

By appointment or walk-in

- B. Reminders For Reporting To Confidential Employees Or Non-Professional Counselors & Advocates.** A Complainant who speaks to a Confidential Resource or a Non-Professional Counselor & Advocate should understand that, if the Complainant elects not to file a formal report with a Responsible Employee, the College may be limited in its efforts to investigate or to pursue disciplinary action against the alleged Respondent. Notwithstanding the above, these individuals can assist the Complainant in receiving other necessary protection and support, such as advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or courses schedules. A Complainant who at first speaks with a Confidential Resource or a Non- Professional Counselor & Advocate may later decide to file a Complaint with the College or to report the incident to local law enforcement. A Confidential Resource or Non-Professional Counselor & Advocate shall provide the Complainant with assistance in formally reporting if the Complainant selects this route. It's important to remember that while Confidential Resources and Non- Professional Counselors and Advocates will not share personally-identifying information with the Coordinator under this Policy, these employees may have reporting or other disclosure obligations in some circumstances under local, state, and/or federal law.
- C. The Role of Witnesses.** Witnesses to Sexual Harassment, including bystanders, shall report the details of the offending behavior to a Responsible Employee so that the College may properly intervene, investigate, and – where necessary – impose interim and/or permanent measures to protect the Complainant. The College understands that witnesses to Sexual Harassment may need support resources as well Accordingly, such witnesses may seek confidential support from a Confidential Resource or a Nonprofessional Counselor & Advocate regarding how to address any effects from observing or otherwise becoming aware of such behavior. As explained previously, any retaliation against an individual who has reported Sexual Harassment is a violation of this Policy.
- D. On-Campus Resources For Respondents.** Respondents may also seek confidential support and assistance from the Confidential Resources listed in section IX(A)(3) above. The Coordinator and Confidential Resources shall help the Respondent in obtaining other on-campus support and assistance as requested.

## SECTION X. OFF-CAMPUS RESOURCES FOR ASSISTANCE & SUPPORT.

The College encourages all Complainants to report the offending behavior to an employee or employee within one of three categories articulated in Section VII. Informing a College employee of such misconduct provides the College with an opportunity to promptly take remedial action and to investigate – if desired– so that the Complainant may have an academic experience free of any discrimination. The College can only address a specific situation if it is aware of it. That said, the College understands that some individuals may feel more comfortable speaking with an off-campus resource in lieu of or in addition to a College employee. The below Chicagoland organizations may offer support, assistance, and information to Complainants, witnesses, and others affected by Sexual Harassment. Some of these organizations may

maintain confidentiality and not share information with the College or others unless the Complainant requests the disclosure and signs a consent or waiver form. Some of these groups may have reporting or other obligations under local, state, and/or federal law. One can contact the below directly for more information regarding offered services and applicable confidentiality policies.

**YWCA Metropolitan Chicago**

1 N. LaSalle Street Suite 1150

Chicago, IL 60602

312.733.2102

<https://ywcachicago.org/our-work/sexual-violencesupport-services/>

**Resilience (Formally RVA)**

180 N. Michigan Suite 600

Chicago, IL 60601

312.443.9603

[www.ourresilience.org/](http://www.ourresilience.org/)

**Center on Halstead** 3656 N. Halsted St Chicago, IL 60613

773.472.6469

<http://www.centeronhalsted.org/>

**YWCA Metropolitan Chicago Rape Crisis Hotline**

(Chicago RAINN affiliate)

Call 888.293.2080 in Chicago Metropolitan Area Call 630.971.3927 in DuPage County Call 708.748.5672 in the South Suburbs

<https://ywcachicago.org/our-work/sexual-violence-support-services/rapecrisis/>

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

**SECTION XI. THE CONFIDENTIALITY OF THE COLLEGE'S INVESTIGATION & GRIEVANCE PROCEDURES.**

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

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

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

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

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

The College's ability to fully respond to an incident, may be limited if a Complainant insists that the Complainant's name or other identifying information not be disclosed to the Respondent or that the College not initiate a formal investigation or pursue disciplinary action against the Respondent. Under such circumstances, while the College may implement some interim remedial measures, it will necessarily be unable to explore those potential resolutions that involve the Respondent (i.e. no-contact orders or a change in the Respondent's academic or employment arrangement). In the event the College does not accept a Complainant's request that the College not disclose the Complainant's name, the College will notify the Complainant before making such disclosure to the Respondent. If the College proceeds with an investigation despite the Complainant's objection, the College shall – upon the Complainant's request – inform the

Respondent that the College, not the Complainant, decided to move forward. The College shall never require a Complainant to participate in any investigation or disciplinary proceeding. Complainants should be aware of a Respondent's rights under the Family Educational Rights and Privacy Act ("FERPA") to request to review information about the Sexual Harassment allegation if the information directly relates to the Respondent and the information is maintained by the College as an education record.

## **SECTION XII. NOTICE & THE COLLEGE'S OBLIGATION TO INVESTIGATE.**

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

## **SECTION XIII. WHAT CONSTITUTES SEXUAL HARASSMENT AND SEXUAL MISCONDUCT**

**A. Sexual Harassment.**<sup>5</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.

Examples of behavior that may constitute Sexual Harassment include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

(1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Among other factors, the College considers the following when determining whether alleged Sexual Harassment creates a hostile environment:

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

- E. Quid Pro Quo Sexual Harassment.** Making the submission or rejection to harassment a term or condition of an individual's employment, education, or activity participation, or the basis of a decision affecting such activities, as articulated in XIII(B)(1) and XIII(B)(2) above, constitutes Quid Pro Quo Sexual Harassment and is prohibited Sexual Misconduct under this Policy. Examples of Quid Pro Quo Sexual Harassment include, but are not limited to:
- Asking for or requiring sexual favors in exchange for a passing grade in a class, a promotion, or pay raise; and
  - Modifying one's employment or academic arrangements due to the termination of a consensual relationship or when an individual refuses sexual advances, or invitations for a date.

## SECTION XIV. SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

### A. Generally Applicable Information

1. **Timeline For Investigation, Adjudication, and Appeals.** The College designed its grievance procedures to investigate a matter, hold a hearing (if need be), and to render a determination within 60 calendar days upon notice of an incident of Sexual Misconduct and then to provide an opportunity for appeal. However, due to the College's academic calendar and other limitations, some investigations may take longer than the forementioned 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 for assistance in reporting. Please contact Mr. Lake for information about the non-immigrant status, and possible visa issues relating to Sexual Misconduct (e.g., the requirement to maintain a fulltime course load).

**Clare R. Lake**

Director, International Student and Scholar Services Global Education  
618 S. Michigan Ave., 4th Floor 312-369-7246

- 6. Request To Withdraw A Complaint.** Under this Policy, the College may be obligated to continue to investigate an allegation of Sexual Misconduct even when the Complainant requests that the College cease its investigation. However, in some cases, there are steps that Columbia can take to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include, but are not limited to, providing supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the College's policies on sexual violence; and conducting climate surveys regarding Sexual Misconduct.
- 7. Interim Measures.** Upon Notice of a Complaint, the Coordinator (or Non-Professional Counselors & Advocates or Confidential Resources if the Complainant does not report to the Coordinator or a Responsible Employee) shall take appropriate, reasonably available interim measures –in consultation with the Complainant or at the Complainant's request – to limit retaliation against the Complainant, to prevent renewed conflict during the course of the investigation, and to otherwise protect the Complainant and the Community. The College shall take such action even where the Complainant does not report the misconduct to local law enforcement or to campus security. These temporary remedial actions may include, but are not limited to:

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

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

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

8. **Investigation Delays Due To Law Enforcement Requests.** Upon request by law enforcement, the College may elect to delay its investigation until after the police or other governmental investigatory body has completed the first stages of its fact-gathering. During such a delay, the College will continue to implement interim remedial measures and to communicate with the Complainant and Respondent regarding their rights under this Policy. When law enforcement has completed this initial step, the College will promptly resume its own investigation.
9. **Multiple Respondents and/or Similar Complaints.** Where the Complainant alleges misconduct against multiple individuals, and the allegations contain a common set of facts, the Coordinator shall decide, in the Coordinator's sole discretion, whether to hold separate or combined investigations. Where multiple Complainants make complaints involving a common set of facts against the same Respondent or Respondents, the Coordinator may elect to process the complaints individually or consolidate the complaints into one or multiple investigations.
10. **Support Person.** Each party may bring one individual for support at any meeting, proceeding, or hearing under this Policy. Such individual may be, but is not required to be, an attorney. Except for sitting next to and quietly conferring with the party, and requesting a recess, this person shall not participate in any meeting or Hearing; this means that each party must personally respond to any questions posed by the Coordinator, Investigator, or

the Hearing Panel. The Coordinator, in the Coordinator's sole discretion, may remove a support person who is not abiding by these rules or is creating a disruption.

11. **Court Orders.** The College shall abide by any and all orders of protection, no-contact orders, restraining orders, or similarly lawful orders issued by a court of appropriate jurisdiction and authority.
12. **Training.** All College employees whose duties include resolution of complaints under this Policy shall receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, domestic violence, dating violence, stalking and their responsibilities under this Policy in addition to other College training required by federal, state, or local law.

## B. Reporting Sexual Misconduct.

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

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

Individuals should report as much information as they can initially but know that they may later add to or otherwise modify a complaint.
3. **Anonymous Reporting.** Individuals may make anonymous complaints by completing and submitting the online form available at [www.colum.ethicspoint.com](http://www.colum.ethicspoint.com). However, depending on the extent of information available about the incident, the College's ability to respond to such complaints may be limited.
4. **When To Report.** Individuals may report Sexual Misconduct to the College at any time. However, the College encourages witnesses and Complainants – who elect to report – to report offending conduct under this Policy to the College as expeditiously as possible in order to provide the College with the best opportunity to properly address the behavior and to provide a remedy. The College's investigatory and remedial options may be limited when it receives a complaint a significant period of time after the occurrence of the alleged misconduct.

5. **What To Expect When Reporting.** The College realizes that it may be especially difficult for a Complainant or witness to come forward. Accordingly, to the extent practicable, the College's Responsible Employees shall endeavor to provide a supportive environment where Complainants and witnesses are comfortable reporting alleged misconduct. Before a Complainant reveals information that the Complainant may wish to keep as confidential, a Responsible Employee should make reasonable efforts to ensure that the Complainant understands: (1) the employee's obligation to report the names of the Respondent and Complainant involved in the alleged Sexual Misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Coordinator, (2) the Complainant's option to request that the College maintain the Complainant's confidentiality or not pursue a formal investigation, which the Coordinator will consider, and (3) the Complainant's ability to share the information confidentially with other resources. For purposes of clarification, Responsible Employees shall also comply with any other applicable confidentiality requirements, as articulated in Section IX and XI.
6. **Encouragement of Dual Reporting With Local Law Enforcement.** The College encourages, but does not require, those Complainants who elect to formally report to the College to also notify local law enforcement. Under some circumstances, Sexual Misconduct may violate both college policy and criminal law. The College may proceed with an internal investigation under this policy simultaneously with a criminal investigation. While criminal investigations may facilitate fact-finding, the outcome of a criminal proceeding may not be indicative of whether alleged misconduct violates this policy. The Coordinator, Non-professional Counselors & Advocates, and Confidential Resources, including Confidential Advisors, are available to assist Complainants with reporting to local law enforcement. The Chicago Police Department's 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 or 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.

## **APPENDIX 5: COLUMBIA COLLEGE CHICAGO ANTI-DISCRIMINATION & HARASSMENT POLICY**

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

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

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

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

The purpose of this policy is to:

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

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

All complaints will be taken seriously, and no one reporting harassment or discrimination will suffer retaliation or reprisal by the College. Complaints of harassment and/or discrimination will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and to take corrective action. If it is determined through an appropriate and prompt investigation that harassment or discrimination has occurred, effective corrective action

will be taken to stop the conduct and to attempt to ensure that it does not reoccur. Depending on the circumstances and the severity of the conduct, corrective action could range from an oral/written warning to dismissal or expulsion.

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

### ***Coordination of Sex Discrimination Policies***

Columbia College Chicago does not discriminate on the basis of sex and prohibits “Sex Discrimination” in its “Education Programs or Activities” as required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1974, and other applicable state and local laws. The College’s prohibition on Sex Discrimination extends to all aspects of its operations, including admissions and employment. The College also prohibits various forms of retaliation as provided by law. Reports and complaints of Sex Discrimination may be made to the College’s Title IX Coordinator, whose contact information is specified below.

Neil Callicoa, M.B.A.

Title IX Coordinator and Director of Equity Issues

623 S. Wabash Ave. Suite 303

(312) 369-6343

ncallicoa@colum.edu

The Title IX Sex Discrimination and Sex-Based Harassment Policy (the “Title IX Policy”) governs all allegations of Sex Discrimination and Sex-Based Harassment, as those terms are defined by Title IX and the Title IX Policy. The Title IX Policy is attached as Appendix A and incorporated into this Policy.

The reporting and investigatory steps outlined in Section VIII(B) of this Anti-Discrimination & Harassment Policy govern unwelcome behavior of a sexual nature or based on sex that is inconsistent with the College’s educational mission but outside the scope of the Title IX Policy.

The Title IX Coordinator is responsible for determining the applicability of the foregoing policies. Any inconsistencies among the policies will be resolved by giving precedence to the Title IX Policy.

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

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

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

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

In considering what are appropriate statements or conduct, a faculty member should consider

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

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

A faculty member is expected to adhere to his or her proper role as an intellectual or artistic guide and avoid any exploitation of his or her students. Additionally, a faculty member has the responsibility to ensure that his or her evaluation of students reflects the true merit of each student. Because it may easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between a faculty member and a student entails serious ethical concerns when the faculty member has professional responsibility for the student, such as when the student is in the faculty member's class.

Therefore, faculty members or other instructional staff shall not initiate, pursue, or be involved in any amorous or sexual relationship with any student whom they are in a position to evaluate or supervise by virtue of their teaching, research, or administrative responsibilities. Such a relationship is a violation of this policy, and consent by a student to such a relationship will not be a defense against a later charge of "Sexual Harassment" [as defined in Section V(B) herein] by the student.

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

### **Section V. Definition of Discrimination**

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

Discrimination includes “Adverse Treatment Sex Discrimination” and “Policy or Practice Discrimination” as those terms are defined in the Title IX Policy.

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

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

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

Not all situations in which an individual is offended or uncomfortable will be violations of this policy. Personality clashes, clashes of beliefs or lifestyles alone will not be violations of this policy nor will conduct that reflects socially and academically acceptable comradeship.

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

Sexual Harassment is one form of discriminatory harassment. Sexual Harassment includes the following:

i. **“Sex-Based Harassment” Under The Title IX Policy:**

Sex-Based Harassment is a form of Sex Discrimination and consists of sexual and other sex-based harassment that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**“Quid Pro Quo Harassment”** is an Employee, agent, or other person authorized to provide an aid, benefit, or service of the College explicitly or implicitly conditioning the provision of an aid, benefit, or service of the College on a person's participation in unwelcome sexual conduct.

**“Hostile Environment Harassment”** is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's Education Programs or Activities. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of:

- The degree to which the conduct affected the person's ability to access the College's Education Programs or Activities.
- The type, frequency, and duration of the conduct.
- The parties' ages, roles within the College's Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred.
- Other Sex-Based harassment in the College's Education Programs or Activities.

For further details regarding the definition of Sex-Based Harassment, please see Appendix 1 of the Title IX Policy (Appendix A).

**For options for immediate emergency assistance following an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, please see the Title IX Policy (Appendix A), Section V and Section XXI.**

- ii. **Sexual Harassment Outside The Scope Of The Title IX Policy:** For Sexual Harassment outside the scope of the Title IX Policy, Sexual Harassment is defined as follows:

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

- (a) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or academic experience; or
- (b) An employment or academic decision affecting an employee or student is made based on that individual's acceptance or rejection of such conduct; or
- (c) A pattern of unwelcome verbal or physical conduct of a sexual nature is directed toward another that unreasonably interferes with that individual(s)' work or class performance or creates an intimidating, hostile, or abusive working or learning environment; or
- (d) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

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

Pursuant to the Chicago Human Rights Ordinance, sexual harassment and retaliation for reporting sexual harassment is illegal in the City of Chicago. Employees are required to participate in sexual harassment training annually pursuant to the Chicago Human Rights Ordinance and the Illinois Human Rights Act. Such training is facilitated by Human Resources.

## **Section VI. Sanctions**

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

## Section VII. Retaliation; False Statements

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

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

## Section VIII: Procedures Addressing Discrimination and Harassment

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

### A. Reporting and Investigations of Sexual Harassment and Other Inappropriate Sexual Behavior

#### i. Reporting Sexual Harassment and Other Inappropriate Sexual Behavior

Individuals, whether students, employees, or third parties, may report all types of Sexual Harassment, other inappropriate sexual behavior (or behavior based on sex) constituting discrimination, and related retaliation to the College by following the options in Section IV of the Title IX Policy (Appendix A), regardless of which policy is applicable. The Title IX Coordinator is responsible for determining which policy applies to such reports.

In addition to the internal reporting methods in Appendix A, employees may file charges of Sexual Harassment with the government agencies listed below.

*Chicago Commission on Human Relations*, 740 N. Sedgewick, 4<sup>th</sup> Floor, Chicago, IL 60654  
(312) 744-4111, [cchr@cityofchicago.org](mailto:cchr@cityofchicago.org)

*Illinois Department of Human Rights*, 555 W. Monroe Street, Suite 700, Chicago, IL 60661  
(312) 814-6200, (312) 740-3953 (TTY)

*U.S. Equal Employment Opportunity Commission*, Chicago District Office, 230 S. Dearborn Street, Suite 1866, Chicago, IL 60604, (312) 872-9744, (866) 740-3953 (TTY)

#### ii. Investigations of Sexual Harassment and Other Inappropriate Sexual Behavior:

##### a. Allegations of Sex-Based Harassment and other types of Sex Discrimination, as such terms are defined by the Title IX Policy.

The allegations are investigated pursuant to the Title IX Policy (Appendix A).



**b. Allegations Outside the Scope of the Title IX Policy**

When the Complainant is a student, allegations of Sexual Harassment and other inappropriate sexual behavior (or behavior based on sex) constituting discrimination that is outside the scope of the Title IX Policy are investigated pursuant to Section VIII(B)(i) of this Policy. When the Complainant is an employee or third-party, allegations of Sexual Harassment and other inappropriate sexual behavior (or behavior based on sex) constituting discrimination that is outside the scope of the Title IX Policy are investigated pursuant to Section VIII(B)(ii) of this Policy.

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

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

Columbia is committed to a prompt and thorough investigation and resolution when its procedures are used. The parties shall have equal opportunity to submit evidence and suggest witnesses to be interviewed as part of the investigation. Those persons responsible for consulting about, investigating, and resolving complaints of discrimination or discriminatory harassment will make reasonable efforts to protect the privacy of both the Complainant and the Respondent.

**i. Procedures for Student Complainants**

**(a) Informal Remedy**

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

**(b) Formal Remedy**

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, and chairs, are responsible for reporting all complaints of Sexual Harassment involving a student Complainant to the Title IX Coordinator and all other complaints of discrimination or discriminatory harassment involving a student Complainant to the Office of Human Resources. A Complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged

discrimination or discriminatory harassment. A complaint should be as specific as possible, providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

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

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

## ii. **Procedures for Employee & Third-Party Complainants**

### (a) **Informal Remedy**

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

### (b) **Formal Remedy**

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, directors, chairs, and administrators, are responsible for reporting all complaints of Sexual Harassment involving an employee or third-party complaint to the Title IX coordinator and all other complaints of discrimination or discriminatory harassment involving an employee Complainant or a third-party Complainant to the Office of Human Resources. A complaint of discrimination or discriminatory harassment can be made either orally or in writing. A Complainant is encouraged to make a written complaint as it may increase the College's ability to take

appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

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

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

*Revised August 1, 2024*

## APPENDIX 5a:

### Title IX Sex Discrimination and Sex-Based Harassment Policy

#### I. NON-DISCRIMINATION NOTICE AND GENERAL POLICY STATEMENT

Columbia College Chicago (the “College”) does not discriminate on the basis of sex and prohibits Sex Discrimination in its Education Programs or Activities as required by Title IX of the Education Amendments of 1972 and its implementing regulations, Title VII of the Civil Rights Act of 1974, and other applicable state and local laws. The College’s prohibition on Sex Discrimination extends to all aspects of its operations, including admissions and employment. The College also prohibits various forms of Retaliation as provided by law. Reports and Complaints of Sex Discrimination may be made to the College’s Title IX Coordinator, whose contact information is specified below.

The College’s Title IX Sex Discrimination and Sex-Based Harassment Policy implements the College’s prohibition on Sex Discrimination, contains information on how to report Sex Discrimination, and sets forth the College’s processes for investigating and adjudicating allegations of Sex Discrimination. The Policy prohibits all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Members of the College Community who commit Sex Discrimination are subject to the full range of College discipline including: verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; demotion; permanent separation from the institution (that is, termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sex Discrimination ongoing remedies as reasonably necessary to restore or preserve access to the College’s Education Programs or Activities.

Consistent with Title IX, the College also provides certain supports and modifications for persons who are experiencing pregnancy or pregnancy related conditions. The College has a separate Pregnancy, Parenting, and Family Rights Policy (available at <https://students.colum.edu/title-ix/pregnancy-parenting-and-family-rights-policy-7.31.24.pdf>) that governs the provision of such supports and modifications.

The College has designated a Title IX Coordinator to: respond to questions about the Policy and Title IX and its implementing regulations; receive Reports and Complaints of Sex Discrimination as further explained in the Policy; and coordinate and oversee the College’s response to Sex Discrimination as dictated by the Policy and applicable laws and regulations. The Title IX Coordinator’s name and contact information is:

Neil Callicot, M.B.A.  
Title IX Coordinator and Director of Equity Issues  
623 S. Wabash Ave. Suite 303  
(312) 369-6343  
ncallicot@colum.edu

The College has designated a Title IX Investigator to investigate Complaints of Sex Discrimination when assigned by the Title IX Coordinator. The Title IX Investigator’s name and contact information is:

Chaselyn Lewis  
Title IX Investigator  
623 S. Wabash Ave. Suite 303  
(312) 369-6344  
[chlewis@colum.edu](mailto:chlewis@colum.edu)

The Title IX Coordinator may assign one or more designees to carry out some of the College’s responsibilities for compliance with Title IX and its implementing regulations, but the Title IX Coordinator retains ultimate oversight for those responsibilities.

In addition to the Title IX Coordinator, questions about Title IX and its implementing regulations may be referred to the U.S. Department of Education's Office for Civil Rights ("OCR"). Contact information for OCR is available at [https://ocrcas.ed.gov/contact-ocr?field\\_state\\_value=652](https://ocrcas.ed.gov/contact-ocr?field_state_value=652).

## II. DEFINITIONS

Capitalized terms have the meaning described in Appendix 1 "Definitions".

## III. SCOPE

This Policy applies to Sex Discrimination that occurs within the College's Education Programs or Activities and that is committed by a member of the College Community.

This Policy does not apply to Sex Discrimination that occurs outside the scope of the College's Education Programs or Activities. Nevertheless, the College will address a Sex-Based hostile environment under its Education Programs or Activities even when some conduct alleged to be contributing to the hostile environment occurred outside the Education Programs or Activities or outside of the United States.

While this Policy is the exclusive policy governing Sex Discrimination that occurs within the College's Education Programs or Activities, Reports and Complaints of Sex Discrimination may implicate conduct that violates other College policies and standards. Employees may have additional procedural rights and/or responsibilities due to their status or union affiliation. 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. The Columbia Faculty Union ("CFAC") and the United Staff of Columbia College ("USofCC") represent certain part-time faculty and staff, respectively.

The College retains full discretion to enforce its other policies and standards with respect to applicable conduct, whether prior to, at the same time as, or after allegations of Sex Discrimination have been resolved pursuant to this Policy.

## IV. REPORTING SEX DISCRIMINATION

Any person may Report Sex Discrimination to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's Report. In-person Reports must be made during normal business hours, but Reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours. Reports can be made anonymously via the College's online whistleblower reporting system at [colum.ethicspoint.com](http://colum.ethicspoint.com).

All College Employees, who are not designated as Confidential Employees or Confidential Advisors, are required to promptly report potential Sex Discrimination in the College's Education Programs or Activities to the Title IX Coordinator.

An Employee's duty to Report is triggered when: (1) the Employee receives a Report of potential Sex Discrimination from another person; (2) the Employee observes potential Sex Discrimination; or (3) the Employee learns about potential Sex Discrimination through some other means.

### A. Confidential Reporting

The College recognizes that individuals who feel they have been victims of Sex Discrimination may require time and support in considering whether or how to participate in any College or law enforcement process. The College also recognizes that individuals who have been accused of Sex Discrimination may also require support. There are confidential resources on campus and in the community available to any individual who needs support or assistance.

#### 1. On-Campus Confidential Advisor

Individuals wishing to receive confidential assistance without making a Report to the College may speak with the College's Confidential Advisor. This confidential resource has been specifically trained to provide confidential assistance in connection with sexual violence, but is also available to assist in connection with other types of Sex Discrimination. A Confidential Advisor will not report your circumstances to the College without your permission unless otherwise required to do so by law (such as when the victim is a minor). A Confidential Advisor is available to discuss incidents or accusations of Sex Discrimination with both Complainants and Respondents in confidence, and provide emotional support in a safe and confidential space.

Notwithstanding the foregoing, when necessary, the on-campus Confidential Advisor will make a non-identifying report to the appropriate College personnel so that reported crimes can be included in the College's annual crime statistics disclosure. Disclosures to a Confidential Advisor will not trigger the College's investigation into an incident.

The College's Confidential Advisor receives forty hours (40) of initial training regarding sexual violence and participates in six (6) hours of annual continuing education thereafter. In addition to providing confidential counseling, a Confidential Advisor also provides emergency and ongoing support to individuals who have experienced or been accused of Sexual Assault, Dating Violence, Domestic Violence, or Stalking including:

- Providing information regarding the individual's reporting options and possible outcomes, including making a Report or a Complaint under this Policy and notifying local law enforcement;
- Providing information about available resources and services, including but not limited to services available on campus and through community-based resources such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- Providing information regarding orders of protection, no contact orders or similar lawful orders issued by the College or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the Confidential Advisor consistent with applicable law;
- Upon request and as appropriate, providing assistance in contacting campus officials, community-based sexual assault crisis centers, campus security and/or local law enforcement; and/or
- Upon request, providing assistance with securing Supportive Measures and accommodations.

The College has designated the following Confidential Advisor:

Charee Mosby-Holloway  
 Director of Student Diversity & Inclusion  
 618 S. Michigan, 4th Floor  
 (312) 369-7994  
 cmosbyholloway@colum.edu

## 2. Confidential Employees

Confidential Employees are not required to report potential Sex Discrimination to the Title IX Coordinator. However, if they observe potential Sex Discrimination, receive a Report about potential Sex Discrimination, or learn about potential Sex Discrimination through some other means, Confidential Employees must:

- Explain their confidential status to any person who informs the Confidential Employee about potential Sex Discrimination, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination.
- Provide such person with contact information for the Title IX Coordinator.
- Explain how the individual may make a Complaint of Sex Discrimination directly to the Title IX Coordinator.
- Explain that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

The provisions of this section notwithstanding, a Confidential Employee must comply with any applicable state or local law that requires the Confidential Employee to report certain conduct to a state agency or local law enforcement, such as laws mandating the reporting of sexual abuse of minors, imminent threats of suicide or physical violence, or the abuse of the elderly or persons who are under a conservatorship.

The following are Confidential Employees on campus:

For Students:

Center for Student Wellbeing at Columbia College Chicago  
(Professional Counselors)  
623 S. Wabash, suite 303  
312.369.8700  
<https://students.colum.edu/studentwellbeing/>

For Employees:

Susan Kerns  
Associate Provost for Faculty Research And Development  
Associate Professor, Cinema And Television Arts  
1104 S. Wabash, Room 701-K  
(312) 369-6795  
[skerns@colum.edu](mailto:skerns@colum.edu)

The College offers additional health and mental health services through partnered third-party online providers, including the Employee Assistance Program/Telus Health (for Employees) and TimelyCare (for Students). Please note, however, that the professionals from these online partners do not constitute Confidential Employees under this Policy as they are not College Employees. Third-party providers may have additional disclosure obligations and responsibilities.

### 3. Public Awareness Events

College departments and organizations, including the College's Sexual Assault Awareness Education Committee ("SAAEC"), will periodically host in person or online events and training opportunities for the Student body, regarding Title IX and Sex Discrimination. SAAEC is comprised of Students, faculty, and staff members who coordinate such Student programming efforts. For information on upcoming events and/or to become a member of SAAEC, please email [titleix@colum.edu](mailto:titleix@colum.edu).

When potential Sex Discrimination is disclosed in the context of a public awareness event, the College will not act on the information solely because of the disclosure at the public awareness event, unless the information reveals an immediate and serious threat to the health or safety of any person. However, the Title IX Coordinator will use information disclosed during a public awareness event to inform efforts to prevent Sex Discrimination, including by providing tailored training and education.

The Title IX Coordinator will monitor the College's Education Programs or Activities for any barriers to reporting potential Sex Discrimination and take steps reasonably calculated to address any such barriers.

## V. SPECIAL ADVICE FOR INDIVIDUALS WHO HAVE EXPERIENCED SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

If you believe you are the victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, the College recommends the following:

- If the incident has just occurred, get to a safe place as soon as possible.
- Contact law enforcement by calling 911.
- Try to preserve all physical evidence related to the incident – avoid bathing, using the toilet, rinsing one's mouth, or changing clothes to facilitate the efficacy of a forensic examination. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred – preserve for law enforcement.
- Get medical attention and consider consenting to a forensic examination. Medical forensic examinations are available at no charge. A forensic examination may result in the collection of evidence that will be needed if you decide to make a report to police. Most local hospitals have forensic examination protocols and those that do not can refer you elsewhere. Take a full change of clothing, including shoes, for use after a medical examination.

- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, chaplain, or health care provider who can help explain options, give information, and provide emotional support.
- Make a Report to the Title IX Coordinator.
- Explore potential avenues for investigation and determination under this Policy.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, and social media exchanges, rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sex-Based Harassment investigations.

Once a Report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Obtaining Supportive Measures.
- Contacting parents or a relative.
- Seeking legal advice.
- Seeking personal counseling.
- Pursuing criminal or civil legal action against the perpetrator.
- Submitting a Complaint to the Title IX Coordinator.
- Requesting that no further action be taken.

The College's Safety & Security Department can also assist individuals in obtaining a personal protection order ("PPO") through civil courts.

The College's Safety & Security Department's **emergency** number is (312) 369-1111. For **non-emergencies**, please contact the Safety & Security Department at (312) 369-3220.

## VI. PRELIMINARY ASSESSMENT

After receiving a Report of potential Sex Discrimination, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or may fall within the scope of this Policy (see "Scope"); and
- Whether the conduct, as reported, constitutes or may constitute Sex Discrimination.

If the Title IX Coordinator determines that the conduct reported does not and could not fall within the scope of the Policy, and/or does not and could not constitute Sex Discrimination, even if investigated further, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with FERPA. The Title IX Coordinator may still provide resources and education materials and refer the closed Report to other College offices, if the Coordinator determines in its sole discretion that such steps are appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy and could constitute Sex Discrimination, if investigated further, the Title IX Coordinator will proceed to contact the Complainant (see "Contacting the Complainant").



As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the Report.

As provided in “Presumption of Non-Responsibility,” from the time a Report or Complaint is made, a Respondent is presumed not responsible for the alleged Sex Discrimination until an adjudication of responsibility is made final.

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

## **VII. CONTACTING THE COMPLAINANT**

If a Report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”) and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to: discuss the availability of Supportive Measures (see “Supportive Measures”); to discuss and consider the Complainant’s wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without making a Complaint; to explain the process for making a Complaint; and to advise the Complainant of the investigation and adjudication procedures set forth in this Policy. The Complainant will also be provided options for filing complaints with local law enforcement and information about resources that are available on campus and in the community.

## **VIII. SUPPORTIVE MEASURES**

### **A. Availability of Supportive Measures**

If a Report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), the Title IX Coordinator will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to make a Complaint.

Contemporaneously with the Respondent being notified of a Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Complaint, if the Respondent requests such measures.

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures that burden a Respondent must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant’s access to the College’s Education Programs or Activities and will not be imposed for punitive or disciplinary reasons.

For Supportive Measures, other than those that burden a Respondent, the College may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the College may continue them beyond that point.

Supportive Measures may vary depending on what the Title IX Coordinator determines to be reasonably available and appropriate. Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially.

If a party affected by Supportive Measures qualifies as a person with a disability under applicable law, the Title IX Coordinator may consult, as appropriate, with the College’s office of Services for Students with Disabilities, which is designated to provide support to persons with disabilities and to ensure that the College complies with relevant disability law in the implementation of Supportive Measures.

Supportive Measures are confidential and will not be disclosed to persons other than the party to whom the Supportive Measure pertains unless wider disclosure is necessary to provide the Supportive Measure. The College may inform a party of Supportive Measures provided to or imposed on the other party only if necessary to restore or preserve that party’s access to the College’s Education Programs or Activities.

## **B. Right to Challenge Supportive Measure Decisions**

If a party is affected by the Title IX Coordinator's decision to provide, deny, modify, augment, or terminate Supportive Measures, and wishes to seek a modification or reversal of the decision, the party may appeal the matter to the College's Dean of Students. Such an appeal must be made in writing and must be made within seven (7) days of the date the party is notified of the Supportive Measures decision that the party wishes to appeal, provided, however, that the Dean of Students may hear appeals made outside the seven (7) day window for good cause shown, after considering all the facts and circumstances. If the Supportive Measures at issue in an appeal are ones that may affect the other party, the Dean of Students will notify the potentially affected party and allow that party to submit a written response, prior to deciding the appeal. The decision of the Dean of Students is final and not subject to further review.

If a Supportive Measure burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such pre-imposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal as soon as possible after the Supportive Measure has taken effect.

## **IX. INTERIM REMOVAL**

At any time after receiving a Report of Sex Discrimination, the Title IX Coordinator may remove a Student Respondent from one or more of the College's Education Programs or Activities on a temporary basis if an individualized safety and risk analysis determines that an imminent and serious threat to the health or safety of any Student or other individual arising from the allegations of Sex Discrimination justifies removal. The Title IX Coordinator may forward a Report to the College's Behavioral Threat Assessment Team ("BTAT") to conduct this analysis. In the event the Title IX Coordinator imposes an interim removal, the interim removal is subject to appeal pursuant to the appeal procedure specified in "Right to Challenge Supportive Measure Decisions."

In the case of a Respondent who is a non-Student Employee (e.g., administrator, faculty, or staff), and in its discretion, the College may place the Respondent on full or partial administrative leave at any time after receiving a Report of Sex Discrimination, including during the pendency of the investigation and adjudication process (see "Investigation" and "Adjudication").

For all other Respondents, including volunteers, guests, and independent contractors, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a Report of Sex Discrimination or otherwise.

## **X. MAKING A COMPLAINT**

A person may make a Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate Sex Discrimination in accordance with the provisions "Investigation" and "Adjudication." Provided, however, that the person must (1) meet the definition of Complainant; (2) be a person who has the legal right to act on a Complainant's behalf; (3) be the Title IX Coordinator; or (4) with respect to Complaints of Sex Discrimination other than Sex-Based Harassment, be a Student or Employee or a third-party who is participating or attempting to participate in the College's Education Programs or Activities when the alleged Sex Discrimination occurred.

Complaints may be made to the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in "Reporting Sex Discrimination."

In deference to the agency of alleged victims of Sex Discrimination, the Title IX Coordinator will exercise the authority to make a Complaint only after careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent the College from maintaining a non-discriminatory environment. Such factors to be considered include: (1) the Complainant's request not to proceed with initiation of a Complaint; (2) the Complainant's reasonable safety concerns regarding initiation of a Complaint; (3) the risk of additional Sex Discrimination; (4) the severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; (5) the age and relationship of the parties involved; (6) whether the alleged perpetrator is an Employee; (7) the scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals; (8) the availability of evidence; and (9) whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating the investigation and adjudication procedures.

If the Title IX Coordinator makes a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

If the Complainant or the Title IX Coordinator makes a Complaint, the College will commence an investigation as specified in "Investigation" and proceed to adjudicate the matter as specified in "Adjudication," below. In all cases where a Complaint is made, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator makes a Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue or recur in the College's Education Programs or Activities and to remedy its effects, if any.

## **XI. CONSOLIDATION OF COMPLAINTS**

The College may consolidate Complaints as to allegations of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sex Discrimination arise out of the same facts or circumstances. Where the investigation and adjudication processes involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Complaint of Retaliation may be consolidated with a Complaint of Sex Discrimination.

## **XII. DISMISSAL OF COMPLAINT**

Any time after a Complaint is made, the Title IX Coordinator may dismiss it for any of the following reasons:

- The College is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating in the College's Education Programs or Activities and is not employed by the College.
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, in writing, and the Title IX Coordinator determines that without the withdrawn allegations, the conduct that remains part of the Complaint, if any, would not constitute Sex Discrimination even if proven.
- After first taking reasonable efforts to clarify the allegations, the Title IX Coordinator determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination.

Upon dismissal, the Title IX Coordinator must promptly notify the Complainant of the dismissal and its basis, in writing. If the dismissal occurs after the Respondent has been notified of the Complaint, the Title IX Coordinator must also simultaneously notify the Respondent of the dismissal and its basis, in writing. The written notice to the Complainant and/or the Respondent, as applicable must advise the party of their right to appeal the dismissal pursuant to the procedures specified in "Appeal."

Even when a Complaint is dismissed, the Complainant and, as applicable, the Respondent, are still eligible for Supportive Measures as set forth in "Supportive Measures," and the Title IX Coordinator shall evaluate whether to take other prompt and effective steps to ensure that Sex Discrimination does not continue in the College's Education Programs or Activities.

## **XIII. NOTICE OF COMPLAINT**

Within five (5) days of the Title IX Coordinator receiving a Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A full copy of this Policy, whether in physical or electronic form.
- Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident, the conduct alleged to constitute Sex Discrimination, and the date and location of the alleged incident, to the extent that information is available to the College.

- A statement that the Respondent is presumed not responsible for the alleged Sex Discrimination until an adjudication of responsibility is made final and that the parties will have an opportunity to present Relevant evidence to a trained, impartial decisionmaker prior to such adjudication being made.
- A statement that each party is entitled to an equal opportunity to access to the Relevant and not otherwise impermissible evidence or to an investigative report that accurately summarizes the evidence; if the College provides the parties with a summary of the Relevant evidence, the parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any party.
- Notification to the Complainant and Respondent of the College's prohibitions on Retaliation and false statements specified in "Bad Faith Complaints and False Information" and "Retaliation."
- If the case is one involving Sex-Based Harassment and a Student Complainant or Student Respondent, a statement that the party may be accompanied by an advisor of their choice, who may be an attorney, and who is permitted to fulfill the role described in "Advisor of Choice and Other Accompanying Persons."

If there are legitimate concerns for the safety of any person because of providing the written notice of Complaint, providing such written notice may be reasonably delayed to address the safety concern appropriately. Safety concerns that would justify delay of providing the written notice must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. In any event, the written notice of Complaint will be provided to a party sufficiently in advance of their initial investigative interview such that the party has sufficient time to prepare.

Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice describing the additional allegations to be investigated.

## **XIV. INVESTIGATION**

### **A. Commencement and Timing**

After the written notice of a Complaint is transmitted to the parties, the Title IX Coordinator, or an investigator selected by the Title IX Coordinator, will undertake an investigation to gather evidence Relevant to the alleged Sex Discrimination, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within forty-five (45) to sixty (60) days of the transmittal of the written notice of the Complaint.

### **B. Fair Notice and Equal Opportunity**

During the investigation, the investigator will provide advance written notice to a party of the date, time, location, participants, and purpose of all meetings and investigative interviews pertaining to that party, with sufficient time for the party to prepare to participate. The investigator will provide an equal opportunity for the parties to be interviewed, to identify witnesses (including fact witnesses, and expert witnesses if determined appropriate by the Title IX Coordinator in the Title IX Coordinator's sole discretion), and to present other inculpatory and exculpatory evidence.

Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information Relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible under "Inadmissible Evidence and Impermissible Questioning." The investigator will not restrict the ability of the parties to gather and present Relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is Relevant to the allegations in the Complaint. A party who is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### **C. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation, to the extent possible.

## **XV. ADJUDICATION PROCESSES**

### **A. General Adjudication Process**

#### **1. Scope**

This general adjudication process applies to all Complaints of Sex Discrimination except those involving Sex-Based Harassment with a Student Complainant or Student Respondent.

#### **2. Preparation of the Investigation Report, Appointment of the Adjudicator, and Notification to the Parties**

After the evidence gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and append to it all the potentially admissible evidence that is Relevant to the allegations in the Complaint, including both inculpatory and exculpatory evidence. The investigator will then notify the Title IX Coordinator that the investigation is complete and transmit the investigation report and its appended evidence to the Title IX Coordinator and to the parties.

Within two (2) days of receipt of the investigation report and its appended evidence from the investigator, the Title IX Coordinator will – upon written notice to the parties – appoint an adjudicator whose responsibility it will be to adjudicate the Complaint, and provide the investigation report and its appended evidence to the appointed adjudicator. The adjudicator may be the investigator or the Title IX Coordinator themselves.

The adjudicator will promptly send written notice to the parties setting a deadline for the parties to submit a written response to the investigation report and its appended evidence which shall not be sooner than seven (7) days from the date the investigator transmitted the investigation report to the parties; and setting a date and time for each party to meet with the adjudicator separately. The adjudicator’s meetings with the parties will not be held any earlier than ten (10) days from the date the investigator transmitted the investigation report to the parties.

Within three (3) days of being notified about the adjudicator’s identity, either party may raise concerns, if any, about bias or conflict of interest to the Title IX Coordinator or, if the concerns relate to the Title IX Coordinator as adjudicator, to the Dean of Students.

#### **3. Response to the Investigation Report**

A party’s written response to the investigation report must include:

- To the extent the party wishes to respond to any aspect of the investigation report or evidence, any such response.
- A statement as to whether the party contends the credibility of the other party or any witness is in dispute; if so, how such credibility dispute is Relevant in evaluating any of the allegations in the Complaint; and what questions the party contends should be asked to the party or witness to test credibility.
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on any one or more of the standards specified in “Inadmissible Evidence and Impermissible Questioning.”
- Argument regarding whether any of the allegations in the Complaint are supported by a preponderance of the evidence.
- Argument regarding whether any of the allegations in the Complaint constitute Sex Discrimination.

While the party may receive assistance in preparing the written response, the written response must be submitted by the party themselves or someone with legal authority to act on their behalf.

#### **4. Meetings with Parties and Witnesses**

After reviewing the parties’ written responses to the investigation report, the adjudicator will meet separately with each party to ask questions concerning the party’s written response, the investigation report, and/or the evidence collected during the investigation, including questions that may bear on credibility. The adjudicator may also meet with specific witnesses whose credibility is in dispute, and whose testimony is potentially Relevant in evaluating any allegations in the Complaint, to pose questions that may bear on credibility.

## 5. Deliberation and Determination

After meeting with each party and any witnesses whose credibility is in dispute, the adjudicator will objectively evaluate all Relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The adjudicator will take care to exclude from consideration any evidence that the adjudicator determines is inadmissible on the grounds explained in "Inadmissible Evidence and Impermissible Questioning." The adjudicator will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint.

In the event the adjudicator determines that the Respondent is responsible for violating this Policy, the adjudicator will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. Such determinations shall be made as follows: by the Dean of Students for Student Respondents, by the Associate Vice President for Human Resources for staff Respondents, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty Respondents. Disciplinary sanctions may include, but are not limited to, a verbal warning, a written warning, educational programming, community service, suspension, expulsion, removal, and termination. The adjudicator will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant and other persons, as appropriate. The adjudicator may seek legal advice from the College's in-house or outside counsel.

## 6. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator, as necessary, the adjudicator will prepare a written decision that will include:

- A description of the alleged Sex Discrimination.
- Information about the policies and procedures the College used to evaluate the allegations.
- The adjudicator's evaluation of all Relevant evidence and determination of whether Sex Discrimination occurred.
- When the adjudicator finds that Sex Discrimination occurred, discipline determined by the appropriate College official.
- Whether the Complainant, Respondent, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator (to the extent such disclosure is permitted in compliance with this Policy, Title IX, and FERPA).
- A description of the College's process and grounds for appeal, as specified in "Appeal."

The adjudicator will transmit the written decision to the Title IX Coordinator and the parties. Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal as specified in "Appeal." Any discipline imposed will be stayed pending the completion of any appeal.

The Title IX Coordinator shall coordinate the provision and implementation of any Supportive Measures and remedies, and take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's Education Program or Activity.

Although the length of time needed to issue the written decision will vary depending on the totality of the circumstances, the College strives to issue the adjudicator's written decision within thirty (30) days of the adjudicator's appointment.

## B. Adjudication Process For Sex-Based Harassment Complaints Involving a Student Complainant or Student Respondent

### 1. Scope

This special adjudication process applies to any case involving Sex-Based Harassment with a Student Complainant or Student Respondent.

## 2. Preparation of the Investigation Report, Appointment of the Adjudicator, and Notification to the Parties

After the evidence gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and append to it all the potentially admissible evidence that is Relevant to the allegations in the Complaint, including both inculpatory and exculpatory evidence. The investigator will then notify the Title IX Coordinator that the investigation is complete and transmit the investigation report and its appended evidence to the Title IX Coordinator and to the parties and their advisors.

Within two (2) days of receipt of the investigation report and its appended evidence from the investigator, the Title IX Coordinator will then – upon written notice to the parties – appoint an adjudicator whose responsibility it will be to adjudicate the Complaint at a live hearing, and provide the investigation report and its appended evidence to the appointed adjudicator. The adjudicator may be the investigator or the Title IX Coordinator themself.

The adjudicator will promptly send written notice to the parties (including a copy of the Hearing Procedures) – setting a date for a pre-hearing conference which shall not be sooner than seven (7) days from the date the investigator transmitted the investigation report to the parties; directing the parties to submit a pre-hearing submission at least three (3) days before the date of the pre-hearing conference; and setting a date for the hearing, which shall be at least three (3) days after the pre-hearing conference.

If a party does not have an advisor who will accompany the party at the hearing, the party should notify the Title IX Coordinator upon the party's receipt of the written notice from the Title IX Coordinator appointing the adjudicator so that the College can provide an advisor to attend the Pre-Hearing Conference and conduct questioning as specified in "Hearing."

## 3. Pre-hearing Submission

No later than three (3) days before the date of the pre-hearing conference, each party shall submit to the adjudicator a written pre-hearing submission that addresses the following:

- Any argument that particular evidence should be categorically excluded from consideration at the hearing based on the grounds set forth in "Inadmissible Evidence and Impermissible Questioning."
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the adjudicator.
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the adjudicator.
- A list of questions the party seeks to pose to the other party and any witnesses.
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing.
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing.

## 4. Prehearing Conference

After review of the parties' pre-hearing submissions, the adjudicator will conduct a joint or separate pre-hearing conference(s) with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology. If the adjudicator conducts separate pre-hearing conferences with each party and their advisor, a transcript or audio recording of the pre-hearing conference will be prepared and maintained in the Complaint record and will be made available to the parties for inspection and review on reasonable notice. In the adjudicator's discretion, the pre-hearing conference may be conducted with the adjudicator, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location.

During the pre-hearing conference, the adjudicator will: discuss the Hearing Procedures with the parties; address matters raised in the parties' pre-hearing submissions, as the adjudicator deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the adjudicator determines, in the adjudicator's discretion, should be resolved before the hearing.

## 5. Issuances of Notices of Attendance

After the pre-hearing conference, the adjudicator will transmit notices of attendance to any College Employee (including administrator, faculty, or staff) or Student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the adjudicator immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The College will not issue a notice of attendance to any witness who is not an Employee or a Student.

## 6. Hearing

After the pre-hearing conference, the adjudicator will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be audio recorded. The audio recording or a transcript of the recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology. In the adjudicator's discretion, the hearing may be conducted with the adjudicator, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

While the Hearing Procedures and rulings from the adjudicator will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the adjudicator directly and to respond to questions posed by the adjudicator.
- Opportunity for each party's advisor to ask directly, orally, and in real time, Relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility.
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the adjudicator and a reason for the ruling provided.
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect.
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the adjudicator, the hearing will be closed to all persons except the parties, their advisors, the investigator, the adjudicator, the Title IX Coordinator, and any other appropriate College personnel determined by the Title IX Coordinator. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was appended to it.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the adjudicator.

Subject to the minimum requirements specified in this section ("Hearing"), the adjudicator will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The adjudicator will independently and contemporaneously screen questions to ensure they are clear, Relevant, and not harassing, and will exclude questions and evidence that are inadmissible under "Inadmissible Evidence and Impermissible Questioning." The adjudicator will give a party's advisor an opportunity to clarify or revise a question that the adjudicator has determined is unclear or harassing and, if the advisor sufficiently clarifies or



revises the question, the question will be permitted. The adjudicator will resolve any other contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings, including any decision that a question or evidence is not Relevant.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The adjudicator will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this section (“Hearing”) are met.

## **7. Subjection to Questioning**

In the event a party or witness who was interviewed during the investigation declines to attend the hearing, or attends the hearing but does not respond to questions that have been deemed Relevant and not impermissible, the adjudicator may consider the individual’s statements, although the adjudicator must consider whether the individual’s failure to attend and/or respond to questions about their credibility should affect the weight to be given to such statement. The adjudicator may choose to place less or no weight upon the individual’s prior statements, provided that the adjudicator may not draw an inference about whether Sex-Based Harassment occurred based solely on a party’s or witness’ refusal to respond to questions.

## **8. Deliberation and Written Decision**

After the hearing is complete, the adjudicator will objectively evaluate all Relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The adjudicator will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of “Subjection to Questioning.” The adjudicator will resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint.

## **9. Discipline and Remedies**

In the event the adjudicator determines that the Respondent is responsible for violating this Policy, the adjudicator will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. Such determinations shall be made as follows: by the Dean of Students for Student Respondents, by the Associate Vice President for Human Resources for staff Respondents, and by the Provost (in consultation with the Associate Vice President for Human Resources) for faculty Respondents. The adjudicator will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive measures or other remedies will be provided to the Complainant and other persons, as appropriate.

Disciplinary sanctions may include, but are not limited to, a verbal warning, a written warning, educational programming, community service, suspension, expulsion, removal, and termination.

## **10. Written Decision**

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by “Discipline and Remedies,” the adjudicator will prepare a written decision that will include:

- A description of the alleged Sex-Based Harassment.
- Information about the policies and procedures the College used to evaluate the allegations.
- The adjudicator’s evaluation of all Relevant and not otherwise impermissible evidence and determination of whether Sex-Based Harassment occurred.
- When the adjudicator finds that Sex-Based Harassment occurred, discipline determined by the appropriate College official.

- Whether the Complainant, Respondent, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator (to the extent such disclosure is permitted in compliance with this Policy, Title IX, and FERPA).
- A description of the College's process and grounds for appeal, as specified in "Appeal."

The adjudicator's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in "Appeal."

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the adjudicator's written determination within ten (10) days of the conclusion of the hearing.

## **XVI. APPEAL**

Either party may appeal the written decision of an adjudication, or a dismissal of a Complaint, on one or more of the following grounds:

- A procedural irregularity that would change the determination of whether a Policy violation occurred.
- There is new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
- The Title IX Coordinator, investigator, or adjudicator, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that would change the outcome.
- The disciplinary sanction is disproportionate to the Policy violation.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice the written decision or dismissal appealed from or, if the other party appeals, within three (3) days of receiving notice that the other party has appealed, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator. The appeal must specifically identify the written decision and/or dismissal appealed from, articulate which one or more of the four grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Within two (2) days of receipt of an appeal, the Title IX Coordinator will then – upon written notice to the parties – appoint an appeals officer whose responsibility it will be to review the appeal. The appointed appeals officer must not have taken part in the investigation of the allegations or any dismissal of the Complaint. Promptly upon receipt of an appeal, the appeals officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeals officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeals officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeals officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeals officer will provide written notice to the other party that an appeal has been filed (including a complete copy of the appeal) and that the other party may submit a written opposition to the appeal within seven (7) days. The appeals officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time for submission of an opposition has passed without one being filed, the appeals officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeals officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeals officer's written decision within seven (7) days of the non-appealing party's written response, if any, or if no response to the appeal is received, within seven days of the expiration of the non-appealing party's seven (7) day window to respond.

## **XVII. ADVISOR OF CHOICE AND OTHER ACCOMPANYING PERSONS**

From the point a Complaint is made that involves Sex-Based Harassment and a Student Complainant or Student Respondent, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent in such a case will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney. The right to be accompanied by an advisor does not apply with regard to other Complaints of Sex Discrimination, except to the extent required otherwise by local, state or federal law.

Except for the questioning of witnesses during the hearing specified in "Hearing," the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this section and "Hearing," the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in "Hearing," the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.

The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing, and one is provided to conduct questioning on behalf of the party. For this reason, the College may prohibit its Employees from serving as advisors where such service would interfere with the Employee's work or other obligations to the College or where such Employee's service would create a conflict of interest.

As a general matter, the advisor described in this section is the only person who may accompany a party to meetings, interviews, and hearings. To the extent the College deviates from this rule and allows a party to be accompanied by one or more persons in addition to an advisor, the same right shall be extended to the other party.

## **XVIII. INADMISSIBLE EVIDENCE AND IMPERMISSIBLE QUESTIONING**

During the investigation and adjudication processes, questioning and evidence of the following subject matters are inadmissible and impermissible:

- Evidence that is protected under a privilege as recognized by federal, state, or local law, or evidence provided to a Confidential Employee or Confidential Advisor, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in the College's investigation and adjudication process.
- The Complainant's sexual interests or prior sexual conduct unless such questions and/or evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not demonstrate or imply the Complainant's consent to the alleged Sex Discrimination or preclude a determination that Sex Discrimination occurred.

## **XIX. INFORMAL RESOLUTION**

At any time after the parties are provided written notice of the Complaint as specified in "Notice of Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Complaint by agreement of the parties. The Title IX Coordinator

may reject the use of informal resolution in a specific case despite one or more of the parties' wishes. Informal resolution will not be permitted in any case where informal resolution would otherwise conflict with federal, state, or local law.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the allegations if such notice has not already been provided in writing.
- Describes the parameters and requirements of the informal resolution process to be utilized.
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third-party, provided such person is not the investigator or adjudicator).
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Complaint (including that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegation).
- Explains that, at any point prior to the time a resolution is finalized, either party has the right to withdraw from informal resolution and initiate or resume the investigation and adjudication process.
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.
- Explains potential terms that may be requested or offered in the informal resolution, including restrictions on contact and restrictions on the Respondent's participation in one or more of the College's Education Programs or Activities or attendance at specific events (including restrictions the College could have imposed as remedies or disciplinary sanctions had the College determined at the conclusion of the investigation and adjudication procedures that Sex Discrimination occurred).
- Explains that an informal resolution agreement is binding only on the parties.
- Describes which records will be maintained and shared.
- Explains if the College resumes its investigation and adjudication process, the College will not access, consider, disclose, or otherwise use information, including records, obtained solely through the informal resolution process as part of the investigation or determination of the Complaint.
- Explains that, if the College resumes its investigation and adjudication process, the person facilitating informal resolution could serve as a witness for purposes other than providing information obtained solely through the informal resolution process.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

Any person designated by the College to facilitate an informal resolution process must have received all training required by Title IX and its implementing regulations and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Nothing in this section diminishes the Title IX Coordinator's obligation to take prompt and effective steps when necessary to ensure that Sex Discrimination does not continue or recur within the College's Education Programs or Activities.

## **XX. PRESUMPTION OF NON-RESPONSIBILITY**

From the time a Report or Complaint is made, a Respondent is presumed not responsible for the alleged Sex Discrimination until an adjudication of responsibility is made final.

## **XXI. RESOURCES**

Any individual affected by or accused of Sex Discrimination will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of College identified resources.

The College's Safety & Security Department's **emergency** number is (312) 369-1111. For **non-emergencies**, please contact the Safety & Security Department at (312) 369-3220

The Chicago Police Department can be contacted via phone at 312-746-6000 (non-emergency). In case of emergency, dial 911.

YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN affiliate), a community-based sexual assault crisis center, can be contacted via phone at (888) 293-2080 and online via chat at <https://ywcachicago.org/advancing-healing-safety-and-belonging#rape-crisis-hotline>. YWCA Metropolitan Chicago has several locations across the metro, and is headquartered at 1 North LaSalle Street, Suite 1700, Chicago, IL 60602

The medical facilities nearest to campus where a survivor may receive a medical forensic examination at no cost include Northwestern Memorial Hospital and Rush University Medical Center.

Northwestern Memorial Hospital (Emergency Department) is located at 251 East Huron Street Chicago, IL 60611 and can be contacted at 312-926-2000. It is located about 1.7 miles from Columbia's 600 S. Michigan building.

Rush University Medical Center (Department of Emergency Medicine), is located at 1653 W. Congress Parkway, Chicago, IL 60612 and can be contacted at 312-947-0100. It is located about 2.5 miles from Columbia's 600 S. Michigan Building.

A list of College Safety, Title IX, and Wellness resources is located online at: <https://about.colum.edu/safety-resources>.

## **XXII. CONFLICTS OF INTEREST, BIAS, AND PROCEDURAL COMPLAINTS**

The Title IX Coordinator, investigator, adjudicator, appeals officer, informal resolution facilitator, and other officials implementing this Policy will be free of any material conflicts of interest or material bias. Any party who believes one or more of these College officials has a material conflict of interest or material bias must raise the concern promptly so that the College may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in "Appeal," or otherwise.

## **XXIII. OBJECTIONS GENERALLY**

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the College may evaluate the matter and address it, if appropriate.

## **XXIV. CONSTITUTIONAL RIGHTS AND ACADEMIC FREEDOM**

The College will construe and apply this Policy consistent with the U.S. Constitution and the College's principles of academic freedom. In no case will a Respondent be found to have violated this Policy based on conduct that is protected by the U.S. Constitution and/or principles of academic freedom.

## **XXV. RELATIONSHIP WITH CRIMINAL PROCESS**

This Policy sets forth the College's processes for responding to Reports and Complaints of Sex Discrimination. The College's processes are separate, distinct, and independent of any criminal processes. While the College may temporarily delay its processes under this Policy to avoid interfering with law enforcement efforts if requested by law enforcement, the College will otherwise apply this Policy and its processes without regard to the status or outcome of any criminal process.

## **XXVI. RELATIONSHIP WITH OTHER LEGAL PROCESS**

In some cases, allegations of Sex Discrimination under this Policy may be the subject of parallel civil lawsuits, administrative complaints, or regulatory processes under federal, state, or local law. The pendency of such parallel litigation may necessitate a delay or modification of the processes set forth in this Policy, especially where the processes in this Policy might interfere with the authority of a court or regulatory body with jurisdiction over such parallel litigation, violate rules or orders governing such parallel litigation, violate the rights of a party in such parallel litigation, or create a conflict of interest for the College itself. In such instances, the College retains discretion to pause, modify, or terminate proceedings under this Policy.

## **XXVII. RECORDINGS**

Wherever this Policy specifies that an audio recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. Only the College is permitted to make audio or video recordings under this Policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this Policy is strictly prohibited.

## **XXVIII. VOLUNTEERS, VENDORS, CONTRACTORS AND THIRD PARTIES**

The College does business with various volunteers, vendors, contractors, and other third-parties who are not Students or Employees of the College. Notwithstanding any rights that a given volunteer, vendor, contractor, or third-party Respondent may have under this Policy, the College retains its right to limit any volunteer, vendor, contractor, or third-party's access to campus for any reason. And the College retains all rights it enjoys by contract or law to terminate its relationship with any volunteer, vendor, contractor, or third-party irrespective of any process or outcome under this Policy.

## **XXIX. BAD FAITH COMPLAINTS AND FALSE INFORMATION**

It is a violation of this Policy for any person to submit, or to aid or abet another to submit, a Report or Complaint that the person knows, at the time the Report or Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make, or to aid or abet another to make, a materially false statement during the course of an investigation, adjudication, or appeal under this Policy, although a party, witness, or other person who knowingly makes a materially false statement will not be punished based solely on the College's determination of whether Sex Discrimination occurred. Violations of this section are not subject to the investigation and adjudication processes in this Policy; instead, they will be addressed under the College's Anti-Discrimination & Harassment Policy and may subject a person to disciplinary action up to and including termination or expulsion.

## **XXX. RETALIATION**

It is a violation of this policy to engage in Retaliation. Reports and Complaints of Retaliation may be made in the manner specified in "Reporting Sex Discrimination," and "Making a Complaint." Any Report or Complaint of Retaliation will be processed under this Policy in the same manner as a Report or Complaint of Sex Discrimination, as the case may be. The College retains discretion to consolidate a Complaint of Retaliation with a Complaint of Sex Discrimination for investigation and/or adjudication purposes if the two Complaints share a common nexus.

**XXXI. CONFIDENTIALITY**

The College will keep confidential the identity of any individual who has made a Report or Complaint of Sex Discrimination or Retaliation (including any Complainant), the identity of any individual who has been reported to be a perpetrator of Sex Discrimination or Retaliation (including any Respondent), and the identity of any witness or other participant in the College's investigation and adjudication processes except:

- When the individual has provided prior written consent to disclose their identity.
- When disclosure is permitted by FERPA or its implementing regulations.
- As otherwise required by applicable federal, state, or local law;
- As required by Federal regulations or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- As necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to take action to address potential Sex Discrimination under the College's Education Programs or Activities.

The College will also maintain the confidentiality of its various records generated in response to Reports and Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the College may disclose any record if permitted by FERPA or its implementing regulations, as otherwise required by applicable federal, state, or local law, or as necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to address potential Sex Discrimination under the College's Education Programs or Activities.

Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy. Such investigation and adjudication materials, including the investigation report and appended evidence, and the written decision, are for the sole use of the party (and, if the party is entitled to one, an advisor) in the proceedings contemplated by this Policy; such materials may not be disseminated to third parties or otherwise published except for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination or where otherwise authorized by law. If a party violates the confidentiality rules governing investigation and adjudication materials, the party is subject to disciplinary action under the Student Code of Conduct in the case of a Student, and other College policies and standards, as applicable, for other persons.

While the College will maintain confidentiality specified in this section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sex Discrimination or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy.

Certain types of Sex Discrimination are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

**XXXII. OTHER VIOLATIONS OF THIS POLICY**

Alleged violations of this Policy, other than violations of the prohibitions on Sex Discrimination and Retaliation (e.g., violations of "Bad Faith Complaints And False Information" and "Confidentiality"), will be subject to review and resolution under the College's Anti-Discrimination & Harassment Policy.

**XXXIII. AMNESTY**

The College recognizes that Students who have consumed or possessed alcohol when they are not 21 years of age or who have used or possessed illegal drugs may be hesitant to report Sex-Based Harassment against them or others. Therefore, the College will not take disciplinary action under its alcohol or drug policies against a Student who discloses illegal alcohol or illegal drug use or possession in the context of reporting Sex-Based Harassment directed against them or another person. However, the College reserves the right to require counseling, education, or other preventative measures to help prevent alcohol or drug use or possession violations in the future. The College's commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual. Amnesty does not extend to violations of alcohol

or drug policies that the College determines are egregious, including without limitation an action that places the health or safety of any other person at risk.

#### **XXXIV. SIGNATURES AND FORM OF CONSENT**

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this Policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

#### **XXXV. DEADLINES, TIME, NOTICES, AND METHOD OF TRANSMITTAL**

Where this Policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period.
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government.
- Include the last day of the period until 11:59 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 11:59 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this Policy are subject to modification by the College where, in the College's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with the College's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, adjudicator, appeals officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The College officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the College.

The parties will be provided written notice of the modification of any deadline or time period specified in this Policy, along with the reasons for the modification.

Where this Policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this Policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this Policy will be email using College email addresses. If a party does not have a College email address, the party will be required to provide an email address to the Title IX Coordinator at the inception of a matter. A party may not insist or demand that the College communicate only through a party's representative, including an attorney.

A party is deemed to have received notice upon transmittal of an email to their College email address or, if they do not have a College email address, the email address they supply to the Title IX Coordinator at the inception of a matter.

If unforeseen circumstances necessitate notice be provided by U.S. mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this Policy, the sufficient time to be provided will be determined in the sole discretion of the College, considering all the facts and circumstances, including, but not limited to: the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant College officials; approaching holidays or closures; and the number and length of extensions already granted.



**XXXVI. OTHER FORMS OF DISCRIMINATION**

This policy applies only to Sex Discrimination. Complaints of other forms of protected-status discrimination, such as discrimination based on race, national origin, ethnicity, age, and disability, are governed by the Anti-Discrimination and Harassment Policy.

**XXXVII. FACTS AND DETERMINATIONS BINDING**

If a Complaint is dismissed or proceeds to a written decision of adjudication, and after any such dismissal or written decision is final, the facts and determinations made by the College are binding on the parties and may not be relitigated, challenged, or otherwise collaterally attacked by the parties in any other College process or procedure. Additionally, a Complainant may not file successive Complaints under this Policy about the same incident or course of conduct, even if the Complainant alleges a new theory of Sex Discrimination arising from the same incident or course of conduct that was the subject of a prior written decision. Further, to the extent a complaint of Policy and Practice Discrimination has proceeded to a written decision, such written decision is binding on different Complainants with respect to the same Policy and Practice Discrimination, unless such different Complainant alleges materially different facts that could result in a different outcome.

**XXXVIII. OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, AND DELEGATIONS**

The College retains discretion to retain and appoint suitably qualified persons who are not College Employees to fulfill any function of the College under this Policy, including, but not limited to, the Title IX Coordinator, investigator, adjudicator, informal resolution facilitator, and/or appeals officer.

The College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, adjudicator, informal resolution facilitator, and/or appeals officer.

The functions assigned to a given College official under this Policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, adjudicator, informal resolution facilitator, and appeals officer, may, in the College's discretion, be delegated by such College official to any suitably qualified individual and such delegation may be recalled by the College at any time.

**XXXIX. DUAL STATUS PERSONS**

Where an individual is both a Student and an Employee of the College, and to the extent the distinction between Student or Employee status is material for any standard, obligation, right, or process set forth in this Policy, the Title IX Coordinator will determine the individual's status for purposes of this Policy. Such determination shall be made after a fact-specific inquiry that includes consideration of relevant circumstances, including whether the individual's primary relationship to the College is to receive an education or to work, and in what capacity the person was acting (or failing to act) with regard to the events in question.

**XL. EXERCISE OF RIGHTS**

The rights afforded to Complainants and Respondents throughout this Policy are personal to Complainants and Respondents and may not be exercised by a third-party unless the third-party has the legal right to act on the party's behalf. As a general rule, parents do not have the right to act on behalf of adult Students and are not entitled to participate in the investigation and adjudication processes in this Policy unless they are acting in the role of an advisor as described in "Advisor of Choice and Other Accompanying Persons." If a Complaint alleges Policy and Practice Discrimination against the College itself, such that no individual person is a Respondent, the relevant department or unit whose policy or practice is at issue may appoint an individual to represent the department or unit's interest and to act as a nominal Respondent in such individual's official capacity on behalf of the department or unit at issue.

**XLI. TRAINING**

The College will ensure that all Employees, and College officials acting under this Policy, including but not limited to the Title IX Coordinator, investigators, adjudicators, informal resolution facilitators, College-provided advisors, and appeals officers receive training in compliance with Title IX and its implementing regulations, the Illinois Preventing Sexual Violence in Higher Education Act, and any other applicable federal, state, or local laws.

## **XLII. RECORDKEEPING**

The College will retain those records specified in 34 C.F.R. § 106.8(f) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. Such materials will be made available for inspection and review only to the extent required by Title IX and its implementing regulations and/or other applicable federal, state, and/or local laws.

## **XLIII. CHANGES IN THE LAW**

In the event a change in controlling law conflicts with some provision of this Policy, necessitates the modification of some provision of this Policy, or mandates the inclusion of new provisions not included, the College may immediately apply the Policy in a manner consistent with such controlling law, after providing written notice to the parties of the change in controlling law, even if the Policy has yet to be formally amended to address the change in controlling law.

## **XLIV. DEFINITIONS**

Words used in this Policy will have those meanings defined herein and/or in Appendix 1 and if not defined herein or in Appendix 1 will be construed according to their plain and ordinary meaning.

## **XLV. DISCRETION IN APPLICATION**

The College retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Despite the College's reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express language, in which case the College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this Policy and the Hearing Procedures referenced in "Hearing" are **not contractual in nature**, whether in their own right, or as part of any other express or implied contract. Accordingly, the College retains discretion to revise this Policy and Policy revisions to an active case provided that doing so is not clearly unreasonable.

## APPENDIX 1: DEFINITIONS

**“Adverse Treatment Sex Discrimination”** means material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

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

**“College Community”** means all persons who participate in the College’s Education Programs or Activities, including board members, administrators, faculty, staff, other Employees, Students, volunteers, guests, and contractors.

**“Complainant”** means:

- A Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy via the College’s complaint resolution procedure; or
- A person other than a Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy and who was participating or attempting to participate in the College’s Education Programs or Activities when the alleged conduct occurred.

**“Complaint”** means an oral or written request to the College to initiate an investigation and adjudication of alleged Sex Discrimination pursuant to the procedures in this Policy.

**“Confidential Advisor”** means a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in the Illinois Preventing Sexual Violence in Higher Education Act.

**“Confidential Employee”** means an Employee of the College who is not required to report potential Sex Discrimination to the Title IX Coordinator because:

- The Employee’s communications are privileged or confidential under federal or state law (e.g., attorneys, doctors and certain other medical providers, psychologists, and counselors). The Employee’s status as confidential is limited to information received about Sex Discrimination while the Employee is functioning within the scope of their duties to which the privilege or confidentiality applies.
- The College has designated the Employee as a confidential resource for the purpose of providing services to persons in connection with Sex Discrimination—but if the Employee also has a role or duty not associated with providing these services, the Employee’s status as confidential is limited to information received about Sex Discrimination in connection with providing these services.
- The Employee is conducting a College approved human subjects research study designed to gather information about Sex Discrimination—but the Employee’s confidential status is limited to information received while conducting the study

The following are Confidential Employee and resources on-campus:

For Students:

Center for Student Wellbeing

(Professional Counselors)

623 S. Wabash, suite 303

312.369.8700

<https://students.colum.edu/studentwellbeing/>

For Employees:

Susan Kerns

Associate Provost for Faculty Research And Development

Associate Professor, Cinema And Television Arts

1104 S. Wabash, Room 701-K

(312) 369-6795

[skerns@colum.edu](mailto:skerns@colum.edu)

The College offers additional health and mental health services through partnered third-party online providers, including the Employee Assistance Program/Telus Health (for Employees) and TimelyCare (for Students). Please note, however, that the professionals from these online partners do not constitute “Confidential Employees” under this Policy as they are not College Employees. Third-party providers may have additional disclosure obligations and responsibilities.

“**Consent**” means freely given words or actions that a reasonable person in the position of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent. A person’s manner of dress does not constitute consent. A person’s consent to past sexual activity does not constitute consent to future sexual activity. A person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with a different person. A person who is Incapacitated is not capable of giving Consent, and a person who is under the age of consent cannot consent. Consent cannot be procured through Coercion. A person can withdraw consent at any time.

“**Dating Violence**” is violence committed by a person –

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship will be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

“**Domestic Violence**” is felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Illinois.

“**Employee**” means a person who is paid wages to perform services for the College. Volunteers and independent contractors are not Employees.

“**Education Programs or Activities**” refers to:

- Activity occurring under any of the operations of the College in the United States, including, but not limited to, in-person and online educational instruction, admissions, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs.
- Activity that occurs on campus or on other property owned or occupied by the College.
- Activity that occurs in a building owned or controlled by a student organization that is officially recognized by the College.
- Activity that is subject to the College’s disciplinary authority.

**“FERPA”** refers to the Family Educational Rights and Privacy Act, which is a federal law governing the confidentiality of a Student’s education records and a Student’s right to access, review, and seek amendment of education records.

**“Hostile Environment Harassment”** is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s Education Programs or Activities. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of:

- The degree to which the conduct affected the person’s ability to access the College’s Education Programs or Activities.
- The type, frequency, and duration of the conduct.
- The parties’ ages, roles within the College’s Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred.
- Other Sex-Based harassment in the College’s Education Programs or Activities.

**“Incapacitated”** or **“Incapacity”** refers to the state where a person is unable to give consent to sexual activity due to the circumstances, the person’s age, or the behavior of another. Such situations may include, but are not limited to: impairment from alcohol and/or drugs, medical condition or disability, fear, unconsciousness, intimidation, Coercion, confinement, isolation or due to a state of sleep.

**“Policy”** refers to the College’s Title IX Sex Discrimination and Sex-Based Harassment Policy.

**“Policy or Practice Discrimination”** means a College policy, practice, or condition that has the effect of excluding or limiting a person from participating in the College’s Education Programs or Activities on a Sex-Based category or that results in inequitable access to the College’s Education Programs or Activities on a Sex-Based category except where such action is permitted by law.

**“Pregnancy or Related Conditions”** means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation;
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.

**“Quid Pro Quo Harassment”** is an Employee, agent, or other person authorized to provide an aid, benefit, or service of the College explicitly or implicitly conditioning the provision of an aid, benefit, or service of the College on a person’s participation in unwelcome sexual conduct.

**“Relevant”** means related to the allegations of Sex Discrimination that are subject to investigation and adjudication as set forth in this Policy. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is Relevant when it may aid an adjudicator in determining whether the alleged Sex Discrimination occurred.

**“Report”** means an oral or written notification of alleged Sex Discrimination.

**“Respondent”** means a person who is alleged, via this Policy, to have engaged in conduct that could be prohibited by this Policy.

**“Retaliation”** is intimidation, threats, Coercion, or discrimination against any person by a Student, Employee, person authorized by the College to provide aid, benefit or service under the College’s Education Programs or Activities, or the College itself, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy, or any other appropriate steps taken by the College in response to conduct prohibited by this Policy. Notwithstanding the foregoing, Retaliation does not include requiring an Employee or person authorized by the College to provide aid, benefit, or service under the College’s Education Programs or Activities to participate as a witness in, or otherwise assist with, an investigation,

proceeding, or hearing under this Policy. Retaliation includes initiating disciplinary process against a person for a violation of another College conduct standard that does not involve Sex Discrimination but arises out of the same facts and circumstances of a Complaint or information about potential Sex Discrimination, if initiating such other disciplinary process is done for the purpose of interfering with the exercise of any right or privilege of Title IX. Retaliation can be committed by a peer. Retaliation does not include any conduct that a party has a right to engage in under the U.S. Constitution.

**“Sex-Based”** means on the basis of:

- sex
- sex stereotypes
- sex characteristics
- pregnancy or related conditions
- sexual orientation
- gender identity.

**“Sex Discrimination”** is an omnibus term that includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.

**“Sexual Assault”** consists of one or more of the following:

- Rape: 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- Fondling: 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 unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
- Sexual intercourse with a person who is under the statutory age of Consent as defined by Illinois law.

**“Sex-Based Harassment”** is a form of Sex Discrimination and consists of sexual and other Sex-Based harassment that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**“Stalking”** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

**“Student”** means a person who has gained admission to the College, whether or not they have matriculated.

**“Supportive Measures”** are non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a party, and without fee or charge to the Complainant or Respondent to (i) restore or preserve that party’s access to the College’s Education Programs or Activities, including measures that are designed to protect the safety of the parties or the College’s educational environment, or (ii) provide support during the College’s investigation and adjudication process under this Policy, including any informal resolution process. Examples of Supportive Measures that may be available depending on the facts of a particular matter include: counseling; extensions of deadlines and other academic adjustments; campus escort services; increased security and monitoring for certain areas of campus; restrictions on contact between parties; honoring an order of protection or no contact order entered by a State civil or criminal court; leaves of absence; voluntary and involuntary changes to class, work, housing, dining, or extracurricular or any other activity; and training and education.

