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)].[1]

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

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

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

[1] The Complainant and Respondent are sometimes referred to in this Policy individually as a "Party" and collectively as the "Parties."

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

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

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

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

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

- Downtown Chicago Hospitals include:
  - Northwestern Memorial Hospital (Emergency Department), 251 E. Erie St, Chicago, IL 60611 (312.926.2000) (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 (312.947.0100) (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[2]

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.

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

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

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

Chaselyn Lewis, M.S.
Interim Title IX Coordinator and Director of Equity Issues
623 S. Wabash, Room 307E

Chicago, IL 60605
Phone: 312-369-6344
CHlewis@colum.edu

The College's Interim Title IX Investigators are Kelli Collins and Whitney Woodson. Unless a conflict exists [as addressed in section XV(B)(3)], Ms. Collins and Ms. Woodson serve as Investigators for all Formal Complaints of Sexual Harassment. Their contact information are as follows:

Kelli Collins
Interim Title IX Investigator
623 S Wabash
Chicago, IL 60605
Phone: 312.369.6801
KCollins@colum.edu

Whitney Woodson
Interim Title IX Investigator
30 East Balbo
Chicago, IL 60605
Phone: 312.369.6945
WWoodson@colum.edu

The College's Policy Advisor for Employee Matters is Heather Donlan. 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. Donlan's contact information is as follows:

Heather Donlan
Director, Employee Relations
624 S. Michigan Avenue
Chicago, Il, 60605
Phone: 312.369.7431
HDonlan@colum.edu

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

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

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

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

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

Services for Students with Disabilities (For Students) 312.369.8296

Office of Human Resources (For Employees) 312.369.7468

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

Section IX. International Students & Undocumented Students. This Policy protects all Columbia students regardless of national origin, immigration status, or citizenship status. Individuals for whom English is not their first language may contact Clare R. Lake or Melissa Casanova for translation assistance. Mr. Lake is also available to advise concerning U nonimmigrant status, T nonimmigrant 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
600 S. Michigan Ave., Suite 700
312-369-7246

Section X. What Constitutes Sexual Harassment

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

(1) A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome[3] sexual conduct ("quid pro quo harassment")[4];

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive[5] that it effectively denies a person equal access to the College's Education

[3] 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).

[4] This definition applies whether the "bargain" proposed by the employee is communicated expressly or implied from the circumstances.

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

Program Or Activity; or

(3) "Sexual Assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and subject to this Policy's definition of "Consent," "Dating Violence" as defined in 34 U.S.C. 12291(a)(10), "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8), or "Stalking" as defined in 34 U.S.C. 12291(a)(30).[6]

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."[7]

(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**.[8] "Consent" is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity.[9] 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, 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

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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.

[6] 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.

[7] 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).

[8] Definition adopted with modification from Emory University's "Policy 8.2: Sexual Misconduct, Updated May 27, 2014."

[9] 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."

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.[10]

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

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

(1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
   a. The length of the relationship.
   b. The type of relationship.
   c. The frequency of interaction between the persons involved in the relationship.

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

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

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

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

(1) Unwelcome sexual advances;
(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;

[10] 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.

(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:[11]

- The Coordinator[12];
- 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[13];
- All part-time and full-time faculty members;
- Resident Advisors ("RAs");
- All employees in the Office of Human Resources and the Office of the Vice President of Student Affairs (including the Dean of Students' Office and the Residence Life staff), excluding those employees who are Confidential Resources.
- All employees in the Office of Safety & Security (including its independent contractor security personnel). The Associate Vice President for the Office of Safety & Security is Ronald Sodini (rsodini@colum.edu). For emergencies, individuals should call the 24-hour emergency command center at (312) 369-1111. The non-emergency command center phone number is (312) 369-3220.

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

[11] 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.

[12] 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.

[13] 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.

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:

<u>For Students</u>

Center for Student Wellbeing at Columbia College Chicago
(Professional Counselors)
623 S. Wabash, Suite 303
312.369.8700
https://students.colum.edu/studentwellbeing/

Confidential Advisor

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 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

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

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 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 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[14] 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.[15] The Coordinator shall offer Supportive Measures to the Complainant after engaging in an interactive, meaningful dialogue with the Complainant. The Coordinator shall also offer Supportive Measures to the Respondent through an interactive, meaningful dialogue prior to the Respondent's receipt of notice of a Formal Complaint, if the Respondent requests such measures.

"Supportive Measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College Education Program Or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter Sexual Harassment.

Supportive Measures may include, but are not limited to:

- Referral to counseling services,
- 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.

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[14] All references to a "day" or "days" in this Policy are to calendar days.

[15] 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.

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 access the efficacy of administered Supportive Measures and provide modifications as needed. The Coordinator may, in the Coordinator's discretion, maintain or terminate implemented Supportive Measures after a determination in the Grievance Procedures that the Respondent is not responsible for the alleged Sexual Harassment or after the dismissal of a Formal Complaint filed by the Complainant or signed by the Coordinator.

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

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

Section XIV. Emergency Removal and Administrative Leave.

A. Emergency Removal. Notwithstanding anything to the contrary contained in this Policy, the College may remove a Respondent from a College Education Program Or Activity on an emergency basis, provided that it: (a) undertakes an individualized safety and risk analysis, (b) determines that an immediate threat to the physical health or safety of any student or other individual (e.g., a witness) arising from the allegations of Sexual Harassment justifies removal, and (c) provides the Respondent with notice (identifying the immediate threat justifying removal) and an opportunity to challenge the decision immediately following the removal as described below. The Coordinator shall forward any cases that the Coordinator has determined potentially involve such threat to the College's Behavioral Threat Assessment Team ("BTAT") for review and a determination. When making an immediate threat determination, the BTAT shall consider the appropriateness of Supportive Measures in lieu of an Emergency Removal and the anticipated timing needed to conclude the Grievance Procedures. The BTAT may consider a threat of physical self-harm and the Respondent's post-incident actions or behavior related to the alleged Sexual Harassment, among other factors, when engaging in such a determination.

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

B. Administrative Leave. Notwithstanding anything to the contrary contained in this Policy, the

Coordinator may place a non-student employee Respondent on administrative leave during the pendency of the applicable Grievance Procedures (i.e., after the filing of a Formal Complaint).[16]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.[17] 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, 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

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

[17] 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.

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 reinitiate the formal grievance process if a resolution is not reached within twenty-one (21) days of the parties' written consent to begin this process.

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

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

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

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

b.) *Mandatory Dismissal:* if the conduct alleged in the Formal Complaint: (i) would not constitute Sexual Harassment even if proved, (ii) did not occur in a College Education Program Or Activity, or (iii) did not occur against a person in the United States, then the College must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under this Policy (which was drafted to comply with Title IX); such a dismissal does not preclude action under other sections of the Discrimination Policy, the Student Code of Conduct, the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process, an applicable collective bargaining agreement, or any other Columbia policy or agreement.

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

Specific circumstances preventing the College from gathering evidence sufficient to reach a determination may include (without limitation): (i) where no Complainant is identified during the investigation (applicable in cases where, for example, a third party reports that a Complainant suffered Sexual Harassment but does not

disclose the Complainant's name, or a Complainant reports anonymously, and the Coordinator signs a Formal Complaint), (ii) where a Formal Complaint contains allegations that are precisely the same as allegations the College has already investigated and adjudicated, (iii) the length of time elapsed between an incident of alleged Sexual Harassment and the filing of a Formal Complaint prevent the College from collecting enough evidence to reach a determination, and (iv) where the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant's statement in the Formal Complaint or as documented in an interview by the Investigator.

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

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

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

5. Fact Gathering and Procedural Equality. The Investigator shall undertake a thorough search for relevant facts and evidence pertaining to the Formal Complaint while operating under the constraints of conducting and concluding the investigation under the designated time frames established in these Grievance Procedures. The Investigator shall meet with the parties, identify and interview witnesses, and visit relevant locations. As soon as practicable after beginning an investigation, the Investigator shall meet with each party individually to schedule a timeframe for submitting relevant evidence and identifying witnesses. Submission deadlines and other restrictions on the presentation of evidence shall apply equally to both parties. During the fact gathering stage, the Investigator shall provide the Complainant and Respondent with periodic updates of the status of the investigation. Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

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

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

evidence, notification of missing evidence, or additional context), which the Investigator shall consider prior to completion of the Investigative Report. Each party shall receive a copy of the other party's written response, and five (5) days to submit a reply, which may include additional evidence.

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

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

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

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

2. Investigative Report Responses.

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

- To the extent the party disagrees with the Investigative Report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the Hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any Columbia student or employee witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the Hearing Panel;
- A list of any third-party witnesses that the party intends to bring to the hearing without an attendance notice issued by the Hearing Panel;
- Any objection that the party has to the Hearing procedures;
- Any request that the parties be separated physically during the Pre-hearing Conference and/or Hearing;

- Any other modifications that the party seeks with respect to the Pre-hearing Conference and/or Hearing;
- The name and contact information of the Advisor who will accompany the party at the Pre-Hearing Conference and Hearing;
- If the party does not have an Advisor who will accompany the party at the Hearing, a request that the College provide an advisor for purposes of conducting cross-examination as detailed in section XV(E)(5).

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

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

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

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

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

E. The Hearing

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

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

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

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

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

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

5. Cross-Examination by a Party's Advisor. Each party's Advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the Hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. A party's Advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Advisors shall conduct cross-examination in a respectful, non-abusive manner. No individual shall be "yelled at" or asked questions in an intimidating manner. An Advisor's failure to follow this or any other rule established pursuant to this Policy may result in the Advisor's suspension from the proceedings; in such event, the Hearing Panel shall assign – at the College's cost - an advisor of the College's choice to replace the suspended Advisor.

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

In summary, the following types of evidence and information are irrelevant or otherwise prohibited from use during the Grievance Procedures (including any Hearing): (a) information protected by a legally recognized privilege (as explained in section XV(B)(12); (b) evidence about a Complainant's prior sexual history (except

as provided otherwise in this Policy in Section XV(B)(13); (c) any party's medical, psychological, and similar records unless the party has given voluntary, written consent (as explained in section XV(B)(9); and (d) party or witness statements that have not been subjected to cross-examination at a Hearing.

7. Optional Participation & The Evidentiary Impact of Nonparticipation. 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.

Individuals should note that, as required by Title IX, if a party or witness does not submit to cross-examination on a statement the person made (during the Hearing or otherwise), the Hearing Panel cannot rely on such statement in reaching a determination regarding responsibility; provided, however, that the Hearing Panel cannot 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. This means if a party or witness does not submit to cross-examination at all during the Hearing, the Panel must not rely on any statement of that person in assessing responsibility. This prohibition applies regardless of whether an individual made a statement to a witness, and the witness recounts the statement at the Hearing and is cross-examined. Nothing in this paragraph limits the Hearing Panel's ability to rely on non-statement evidence, such as video evidence showing the underlying incident, to the extent it does not include statements regarding which an individual refused cross-examination.

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, resulting in consideration of the appearing party's statements but not the non-appearing party's statements (without any inference being drawn based on the non-appearance).

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 Hearing Panel's determination, and disciplinary sanctions, 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 1700
Chicago, IL 60602
(312) 733-2102
https://ywcachicago.org/our-work/sexual-violence-support-services/

Resilience (Formally RVA)
444 N. Michigan Avenue Suite 970
Chicago, IL 60601
(312) 443-9603
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/advancing-healing-safety-and-belonging#rape-crisis-hotline

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

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

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