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Appendix A

Definitions

Campus Security Authority. A Campus Security Authority is (i) a campus police department or a campus security department of an institution; (ii) any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property; (iii) any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and (iv) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Complainant. A person alleging a violation of this policy. If the alleged violation involves Title IX, the Complainant must be the individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

Confidential Advisors. Professional counselors available at the UIS Counseling Center or off-campus who provide emergency and ongoing support, help find needed resources, and talk with students about reporting Sexual Misconduct. Confidential Advisors are not considered Responsible Employees. All communications between a Confidential Advisor and a survivor of Sexual Violence pertaining to an incident of Sexual Violence are confidential, unless the student victim consents to the disclosure in writing, the disclosure falls within a statutory exception, or failure to disclose the communication would violate state or federal law.

Consent. Consent means freely given words or actions that indicate an agreement to participate in sexual activity. A person can withdraw consent at any time. There is no consent when a person submits to sexual activity due to the use of force or threats of force, intimidation, or duress. A person's lack of verbal or physical resistance or manner of dress does not constitute consent. Consent to a past sexual activity does not constitute consent to future sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if the person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following:

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

See Section 10(1) of the *Illinois Preventing Sexual Violence in Higher Education Act*, (110 ILCS 155/10).

Dating Violence. Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors (i) the length of the relationship, (ii) the type of the relationship, and (3) the frequency of the interaction between the persons involved in the relationship. (Source: 34 U.S.C. 12291(a)(10))

Day. Day means a calendar day, excluding University holidays and semester breaks.

Dean of Students. The Dean of Students is the UIS official designated by the Vice Chancellor for Student Affairs to oversee and manage the UIS Student Conduct Code. Unless otherwise indicated, references in this policy to the Dean of Students include persons designated by the Dean of Students.

Domestic Violence. Felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois; or
5. 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 State of Illinois.

Source: 34 U.S.C. 12291(a)(8).

Determination Regarding Responsibility. A finding by the Hearing Panel regarding whether the Respondent did or did not commit the alleged Title IX Sexual Harassment.

Education Program or Activity. Education Program or Activity includes locations, events, or circumstances over which UIS exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurred, as well as any building owned or controlled by a registered student organization. It includes all UIS premises, property, and facilities, wherever located.

Formal Complaint. A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that UIS investigate the allegation. A Formal Complaint can be a document or electronic submission (such as by email) provided it contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

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

Gender-based Harassment. A form of sex-based harassment referring to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on Gender Identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.

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

Gender Identity. The internal perception of one's Gender or sense of masculinity, femininity, or a fluid combination; how individuals label themselves, regardless of biological sex.

Hearing Panel. The decision-maker who makes a Determination Regarding Responsibility concerning a complaint of Title IX Sexual Harassment. Hearing Panels may consist of one or more appropriately trained individuals and must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Hearing Panels cannot include as members the Title IX Coordinator, the UIS investigator, or any other person who participated previously in the investigation or resolution of the Formal Complaint of Title IX Sexual Harassment. May also be referred to as "Hearing Officer" or Hearing Decision-Maker in the employment context.

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

Investigator. A person designated by UIS to investigate complaints under this policy. Before investigating a complaint, UIS Investigators receive appropriate training, including on issues of relevance, to create a Report of Investigation that fairly summarizes relevant evidence. Investigators are UIS employees or other persons retained to conduct investigations required by this and other University of Illinois System policies and U.S. laws.

Relationship Violence. A collective term that encompasses domestic violence and dating violence. Also referred to as Intimate Partner Violence.

Remedies. Measures designed to restore or preserve equal access to UIS's education program or activity. Remedies may include the same individualized services as Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

Responsible Employee. Any employee who has the authority to take action to redress Sexual Violence; who has been given the duty of reporting incidents of Sexual Misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. UIS Confidential Advisors are not considered Responsible Employees; however, all other UIS employees, including student housing resident advisors but excluding all other undergraduate and graduate student employees, are considered Responsible Employees.

Retaliation. Any action or attempted action taken by an accused individual or a third party against any person because that person opposed any practices forbidden under this policy or because that person in good faith filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken or attempted against a bystander who intervened to stop or attempt to stop Sexual Misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's good faith complaint or participation in the complaint process.

Sexual Assault. An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (Source: 20 USC 1092(f)(6)(A)(v)). Sexual Assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, and attempts to commit any of these offenses.

Sexual Exploitation. Taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute Sexual Assault, Domestic Violence, Dating Violence or Stalking.

Sexual Misconduct. Sexual Misconduct includes, but is not limited to, Title IX Sexual Harassment, other sexual and Gender-based harassment, Sexual Violence, Sexual Exploitation, and sex-based Dating Violence, Domestic Violence and Stalking. Sexual Misconduct includes the full range of unlawful sex-based misconduct under Illinois and federal law, regardless of whether it is specifically defined in this policy.

Sexual Orientation. The direction of one's sexual attraction to others; not always absolute.

Sexual Violence. Sexual Violence refers to physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent. Sexual Violence includes Sexual Assault and sexual coercion.

Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. (Source 34 U.S.C. 12291(a)(30))

Supportive Measures. 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 complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to UIS education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UIS's educational environment, or deter Title IX Sexual Harassment.

Title IX Sexual Harassment. Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

1. A UIS employee conditioning the provision of a UIS aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

2. 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 UIS education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "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).

Transgender. An umbrella term covering a range of identities that transgress socially defined Gender norms; also signifies a person who lives as a member of a Gender other than that based on sex assigned at birth. Transgender persons may or may not wish to transform their bodies hormonally and surgically to match their inner sense of Gender/sex.

Appendix B
Annual Training for UIS Students

Annual Gender and sex discrimination and Sexual Violence primary prevention and awareness training for all students at the Springfield, Innovate Springfield, or Peoria campuses includes the following components:

- An overview of UIS's comprehensive policy to prevent and respond to Sexual Misconduct
- The identity of the UIS Title IX Coordinator, including confirmation of requisite skills and training
- An overview of applicable federal, state, and local laws (including Title IX)
- UIS's definitions of Consent, inability to Consent, and retaliation as they relate to Sexual Misconduct
- Practices for identifying, preventing and addressing Sexual Misconduct
- Procedures for reporting alleged or suspected Sexual Misconduct to UIS, the UIS Police, and local law enforcement
- Confidential Advisors or other available confidential resources
- Available survivor services
- The procedures used to investigate and resolve complaints and reports pursuant to this policy
- Strategies for bystander intervention and risk reduction
- The types of sanctions or other corrective actions potentially available to address violations of this policy
- All applicable education and training requirements under Campus SaVE and VAWA enactments

Appendix C
Confidential Advisors

Confidential Advisors can provide victims of Sexual Misconduct with information on available counseling and crisis response services, discuss possible next steps regarding reporting options and possible outcomes, and advise on rights and UIS's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by UIS or a criminal or civil court.

If requested, Confidential Advisors can liaise with UIS officials, rape crisis centers, sexual assault centers, the UIS police and/or local law enforcement. Confidential Advisors can also assist with 1) contacting and reporting to UIS officials, the UIS Police and/or local law enforcement, and/or 2) requesting appropriate Supportive Measures.

UIS Confidential Advisors have no obligation to report crimes to UIS or law enforcement, except that UIS Confidential Advisors report on a monthly basis to the Title IX Coordinator the number and type of incidents of Sexual Misconduct reported exclusively to the Confidential Advisor. This allows the anonymous statitistical data to be included in UIS’s Annual Security and Fire Safety Report (also known as the Clery Report).

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

Confidential Advisors are available at the following locations:

1. On-campus: UIS Counseling Center: (217) 206-7122
2. Off-campus: Prairie Center Against Sexual Assault, 3 West Old State Capitol Plaza, Springfield, IL (217) 744-2560

Appendix D

What To Do If You Are The Victim Of Sexual Misconduct

A. If you are the Victim of Sexual Violence:

1. **Emergency Situations**. Dial 911 for law enforcement assistance.
2. **Seek Medical Attention Immediately.** If you are the victim of Sexual Violence, UIS strongly encourages you to go to a hospital emergency room, with a friend if possible. Healthcare providers can treat the physical consequences of Sexual Violence, such as injuries, concerns of pregnancy, and/or sexually transmitted diseases. Healthcare providers can also collect evidence even if you choose not to immediately seek criminal charges against an alleged offender. Healthcare staff are required by Illinois law to contact local law enforcement; however, you choose whether to speak with police personnel or decline to do so.

   Hospitals in the Springfield area include:

   - Memorial Medical Center, 800 N. Rutledge, Springfield, IL 62702, (800) 798-3011
   - St. John's Hospital, 800 E. Carpenter Street Springfield, IL 62769, (217) 544-6464

   Both are located just north of downtown Springfield.

   In Peoria:

   - OSF Saint Francis Medical Center, 530 NE Glen Oak Ave., Peoria, IL 61637, (309) 655-2000, located close to the Peoria Center.

3. **Preserve Evidence**. It is important that you not bathe, douche, smoke, change clothing or clean the bed/linen/area where you were assaulted so that evidence may be preserved if the offense occurred within the past 96 hours, as it may be helpful for proof of criminal activity. If necessary, you can place clothing or bedding in a clean paper bag until you are able to provide the items to UIS or local law enforcement. You are also encouraged to preserve other evidence by saving text messages, instant messages, social networking pages, and other communications, and keep pictures, logs or other copies of documents, if you have any, as they could be useful for disciplinary proceedings, police investigations, and/or seeking orders of protection.

B. Reporting Options

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

- In an emergency, dial 911.
- Students attending the Springfield campus may contact the UIS Police at (217) 206-6690 or the Springfield Police Department at (217) 788-8311.
- Students attending classes at Innovate Springfield may contact the Springfield Police in an emergency by dialing 911 or by dialing 217-788-8311 for non-emergencies.
- Students attending classes at Peoria Center may contact the Illinois Central College Police at (309) 999-4699 or the Peoria Police at (309) 673-4521.

2. **To Title IX Coordinator:** You are encouraged to report allegations involving Sexual Misconduct to the UIS Title IX Coordinator:

   Title IX Coordinator: **Shelby Bedford**

   Telephone: (217) 206-9999

   E-mail: titleix@uis.edu

   Mailing address: Mail Stop 30 Human Resources Building, University of Illinois Springfield, One University Drive, Springfield, IL 62703

   In person: HRB 30

   If you prefer, you may report the incident to the Office of the Dean of Students at (217) 206-8211 (who in turn informs the Title IX Coordinator). If you decline to contact the Title IX Coordinator, it is possible the Title IX Coordinator may learn about the incident through reports by other people. In the event that occurs, you may be contacted by the Title IX Coordinator or the Dean of Students to address the incident and/or broader campus safety concerns.

C. Confidential Counseling

You can obtain confidential counseling to help cope with the incident and/or explore options for reporting the incident. The following confidential counseling resources are available:

1. On-campus: UIS Counseling Center: (217) 206-7122
2. Off-campus: Prairie Center Against Sexual Assault, 3 West Old State Capitol Plaza, Springfield, IL (217) 744-2560

Professional counselors at these locations can provide support, help find needed resources, and talk with you about your reporting options. The Title IX Coordinator and the Office of the Dean of Students can also assist with requests for Supportive Measures, such as changes in academic or living situations because of an incident.

D. Amnesty

Any UIS student who reports a violation of this policy in good faith to a UIS Responsible Employee will not receive a disciplinary sanction for an ancillary Student Conduct Code violation, such as underage drinking, revealed in the course of the student's report, unless UIS determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk.

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

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

Under the Illinois *Crime Victim's Compensation Act*, you may be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime. Maximum reimbursement is $27,000. If you plan to request compensation under this law, you should contact the toll-free Crime Assistance Line as soon as possible to ensure compliance with reporting deadlines. Information about these reporting requirements can be found through the Office of the Illinois Attorney General: **www.illinoisattorneygeneral.gov/victims/cvc.html**. The toll-free Crime Assistance Line is (800) 228-3368, or TTY (877) 398-1130.

Appendix E
Responsible Employees

Student housing resident advisors and all UIS employees, except the Counseling Center employees and all graduate and undergraduate student employees, are considered Responsible Employees. All UIS Responsible Employees[1] are required to report any Sexual Misconduct they become aware of to the Title IX Coordinator. Reports should be made as soon as possible, but must be made within 48 hours of receiving the information.

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

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

After receiving a report of Sexual Misconduct, a Responsible Employee must report the following information (if known) to the Title IX Coordinator:

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

[1] Because of statutory limitations, Counseling Center employees are not considered Responsible Employees and do not report incidents to the Title IX Coordinator without express written consent. UIS Confidential Advisors do, however, report on a monthly basis to the Title IX Coordinator the number and type of incidents of Sexual Misconduct reported exclusively to the Confidential Advisor so the anonymous statistical data can be included in UIS's Annual Security and Fire Safety Report (also known as the Clery Report). A person who makes a confidential report to the Counseling Center may still contact the Title IX Coordinator at any time to access appropriate campus resources.

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

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

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

Some UIS Responsible Employees have also been identified as Campus Security Authorities (CSAs) under the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, also known as the "Clery Act". In addition to their obligations as UIS Responsible Employees, UIS employees identified as CSAs must also report certain crimes brought to their attention to the UIS Police so that the crimes can be counted in the statistical summaries found in UIS's Annual Security and Fire Safety Report, also known as the "Clery Report". Employees who are both UIS Responsible Employees and CSAs must fulfill their reporting responsibilities under both roles, including meeting applicable reporting timelines.

Appendix F

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

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

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

Appendix G
Additional Information on Conflicts of Interest

Complaints against the following officials should be submitted as indicated.

A. UIS-based System Office Employees

System Office employees working on the UIS campus should communicate relevant concerns or initiate complaints and grievances regarding this policy with the System Office Assistant Director of Diversity, Equity and Inclusion and Title IX Coordinator. System Office policies and procedures apply.

B. Complaint Against the Title IX Coordinator

When the accused party is the Title IX Coordinator, the Chancellor designates another appropriate administrator for purposes of implementation of this policy's procedures. The designated administrator must have the requisite training and experience and have no conflict of interest or prior involvement in the case. The designated administrator could include the System Office Assistant Director of Diversity, Equity and Inclusion and Title IX Coordinator or an official from the University of Illinois at Urbana/Champaign or the University of Illinois at Chicago, subject to the concurrence of the President or the respective Chancellor, as appropriate.

C. Complaint Against the UIS Chancellor

When the accused party is the UIS Chancellor, the Complainant should submit a complaint in writing to the President of the University of Illinois, 364 Henry Administration Bldg., 506 S. Wright St. Urbana, Illinois 61801 [Phone: (217)333-3071].

Appendix H

Filing Reports with External Agencies

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

UIS is committed to taking prompt and fair remedial action to address violations of this policy regardless of whether an internal or external complaint has been filed. In fact, the filing of a complaint of discrimination with a state or federal civil rights agency does not relieve UIS of its responsibility to respond appropriately to a Sexual Misconduct complaint. Accordingly, even if an external complaint is filed, UIS may continue to take appropriate actions consistent with this policy to address the complaint.

Illinois Department of Human Rights
222 S. College St.
Springfield, IL 62704
(217)785-5100

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

U. S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661
(800) 669-4000

Appendix I

Title IX Formal Complaint Resolution Process

Upon receipt or initiation of a Formal Complaint, the Title IX Coordinator confers with the Complainant to establish the nature of the Formal Complaint. The Title IX Coordinator also provides the Complainant with a copy of this policy and written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both at UIS and in the community. The Title IX Coordinator also provides information about reporting the allegations to the UIS Police, local law enforcement authorities, and external civil rights agencies.

After conferring with the Complainant, the Title IX Coordinator provides written notice to the parties containing the following:

- Information about the applicable UIS grievance process, including any informal resolution options.
- The allegations of Title IX Sexual Harassment, 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 Title IX Sexual Harassment, and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review any evidence obtained as part of an investigation pursuant to this policy that is directly related to the allegations raised in the Formal Complaint.
- Notice that knowingly making false statements or knowingly submitting false information during the hearing process may result in discipline. A determination of responsibility, alone, is not sufficient to conclude that false information was intentionally provided.

The Title IX Coordinator must dismiss the Formal Complaint if the conduct alleged in the Formal Complaint:

- Would not constitute Title IX Sexual Harassment even if proved;
- Did not occur in a UIS Education Program or Activity; or,
- Did not occur against a person in the United States.

The Title IX Coordinator may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by UIS; or,
- Specific circumstances prevent UIS from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

If the Title IX Coordinator dismisses the Formal Complaint or any allegations therein for any reason, the Title IX Coordinator will promptly send simultaneous written notification to the parties. The written notification will include the reason for the dismissal. Either party may appeal the dismissal of the complaint in accordance with the procedures set forth in Appendix M. Dismissal of the Formal Complaint by the Title IX Coordinator does not preclude action on the alleged Sexual Misconduct under other applicable laws or non-Title IX policies or code of conduct provisions.

Supportive Measures are generally available for current students and employees even if the Formal Complaint or any allegations therein are dismissed.

The Title IX Coordinator may also initiate the Formal Complaint process on her/his own accord after becoming aware of an allegation of Title IX Sexual Harassment involving UIS students or employees.

The Title IX Coordinator or the Hearing Panel may consolidate Formal Complaints as to allegations of Title IX 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, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

Whenever possible, Formal Complaints are addressed within 120 days of filing, including completing the investigation and hearing and determining any sanctions, unless UIS reasonably determines for good cause that additional time is required. In such cases, UIS simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent.

Appendix J

Investigating Complaints Under Title IX

INVESTIGATION PROCESS

The investigation process consists of the Investigator gathering relevant information and completing a written Report of Investigation. In order to gather relevant information, the Investigator gives both the Complainant and Respondent equal opportunity to be interviewed, to submit written statements, to provide the names and contact information for potential fact and/or expert witnesses or to submit written statements from those witnesses, and to submit or identify other inculpatory or exculpatory evidence for the Investigator's consideration. The Investigator may require that any statements from witnesses offered by the parties, including expert witnesses, be submitted in writing.

Before inviting a party to participate in the investigation, the Investigator will provide the party with written notice of the date, time, location, participants, and purpose of any investigative interviews or other meeting, with sufficient time for the party to prepare to participate.

In gathering relevant evidence, the Investigator will 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 Investigator obtains that party's voluntary, written consent to do so for use in the grievance process.

Similarly, the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Both parties have the right to have the assistance of and/or to be accompanied by an advisor of their choice at any meeting or interview they participate in as part of the investigation. The advisor may, but need not be, an attorney. Each party is responsible for any costs associated with his or her advisor. To ensure direct access to relevant facts and circumstances, the Title IX Coordinator may restrict the role advisors play in the investigatory process, provided such restrictions are evenly applied to both parties.

If, during the course of the investigation, the Investigator decides to investigate allegations about the Complainant or Respondent that were not included in the Formal Complaint notification discussed in Appendix I, the Investigator will coordinate with the Title IX Coordinator to provide notice of the additional allegations to the parties.

Any disclosures the Investigator makes regarding the complaint (including in the case of employees to the Respondent's supervisory staff, the appropriate unit head or dean, and the appropriate vice chancellor or executive administrator) are made only if deemed necessary to conduct the investigation

or protect the rights of either the Complainant or the Respondent. All disclosures are consistent with FERPA or applicable employee privacy rights.

In conducting the investigation, the Investigator requires access to all pertinent material, records, reports, documents and computerized information in the possession of any UIS personnel, and the Investigator must be given the opportunity to interview all persons possessing relevant information unless exempt from disclosure or reporting under state or federal law.

Obstruction of an investigation of allegations of conduct prohibited by this policy is grounds for disciplinary action or sanctions by the appropriate body, up to and including termination of employment and/or dismissal or expulsion.

REPORT OF INVESTIGATION

Prior to the completion of the Report of Investigation, the Investigator:

- May meet with either party for follow-up fact-finding efforts, or to collect additional information from any source, as required.
- Provides both parties 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 UIS 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.
- Sends to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the Report of Investigation.

After reviewing all relevant evidence and any response to the evidence submitted by the parties, the Investigator creates a Report of Investigation that fairly summarizes the investigation and the relevant evidence. At least 10 days prior to the hearing to determine responsibility, the Investigator sends the Report of Investigation in an electronic or hard copy format contemporaneously to each party and the party's advisor, if any, for their review and written response.

The Report of Investigation, as well as any response received from either party, is forwarded to the Dean of Students for student Respondents and to the Senior Director of Human Resources for employee Respondents to conduct a hearing.

The Investigator may reopen the investigation at any time for good cause shown, including at the request of the parties, the Title IX Coordinator, the Dean of Students, or Human Resources, and issue a revised Report of Investigation. In such cases, the above notice and comment rights apply to the revised Report of Investigation.

INVESTIGATION TIMELINE

The Investigator normally completes the investigation and issues a Report of Investigation within 45 days. UIS permits the temporary delay of the investigation timeline or limited extensions of time for good cause with written notice to the Complainant and Respondent of the delay or extension and reasons for the action. Good cause may include, but is not limited to, the unavailability of a party, a party's advisor, or a witness; concurrent law enforcement activity; complying with collective bargaining agreements, complying with other legal requirements, or the need for language assistance or accommodation of disabilities.

Appendix K

Title IX Informal Complaint Resolution Process

Informal complaint resolution of Title IX Sexual Harassment will not be offered to the parties unless the Complainant has already filed a Formal Complaint. Participation in Title IX informal complaint resolution is completely voluntary. Title IX informal complaint resolution is not an option to resolve allegations that an employee committed Title IX Sexual Harassment against a student. In all other cases involving a Formal Complaint of Title IX Sexual Harassment, prior to the Hearing Panel reaching a Determination Regarding Responsibility, the parties may voluntarily agree to a resolution that does not involve a full investigation and adjudication, subject to the following:

- Before the parties commit to Title IX informal complaint resolution, the Title IX Coordinator delivers to the parties a written notice disclosing: the allegations, the requirements of the Title IX informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Title IX informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the Title IX informal resolution process, including the records that will be maintained or could be shared; and,
- The Title IX Coordinator obtains the parties' voluntary, written consent to the Title IX informal resolution process.

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

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

UIS will not require waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment as a condition of enrollment or continuing enrollment, employment or continuing employment, or enjoyment of any other right.

Appendix L

Title IX Hearing Process

For student Respondents, the Office of the Dean of Students initiates the hearing process by forwarding the Report of Investigation, together with any written responses submitted by the parties, to the Chair of the Executive Panel for a proceeding under the Student Conduct Code. Detailed procedures for hearings involving student Respondents are found in the **Student Conduct Code Protocol for Alleged Violations of Part B (Title IX) of the UIS Sexual Misconduct (Title IX) Policy**.

For employee Respondents, the Senior Director of Human Resources or designee initiates the hearing process upon receipt of the Report of Investigation, together with any written responses submitted by the parties. Detailed procedures for the conduct of such hearings can be found in the **Procedures for Alleged Violation of Part B (Title IX) of the UIS Sexual Misconduct Policy by Employees**.

Respondents are presumed to be not responsible for the alleged conduct until a written Determination Regarding Responsibility is issued at the conclusion of the grievance process.

DETERMINATION REGARDING RESPONSIBILITY.

After evaluating all relevant, admissible evidence, the Hearing Panel reaches a Determination Regarding Responsibility. In reaching its findings with respect to each allegation of Title IX Sexual Harassment, the Hearing Panel uses the "preponderance of the evidence" standard. This means the Hearing Panel determines whether it is more likely than not, based on information gathered and examined, that the Respondent committed the Title IX Sexual Harassment as alleged.

Once sanctions are imposed, UIS provides the written Determination Regarding Responsibility to the parties simultaneously, usually via email. The Determination Regarding Responsibility becomes final either:

- On the date on which an appeal would no longer be considered timely if no appeal is filed; or,
- On the date UIS provides the parties with the written determination of the result of the appeal if an appeal is filed.

SANCTIONS

The range of possible sanctions for student Respondents determined to have committed Title IX Sexual Harassment includes a warning, written reprimand, restitution, community service, probation, suspension, and dismissal.

The range of possible sanctions for employee Respondents determined to have committed Title IX Sexual Harassment includes oral warnings, written warnings, or reassignment. A sanction may also

include initiation of employment processes to effectuate a demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, and/or termination.

HEARING TIMELINE

For student Respondents, the hearing process is normally concluded within 30 days, along with the implementation of recommended corrective action.

For employee Respondents, resolution of any employment action is in accordance with applicable employment policies, practices or collective bargaining agreements.

Administrators may take additional reasonable steps, as necessary, to prevent the recurrence of the Title IX Sexual Harassment and may request advice from the Title IX Coordinator to implement corrective action.

The Title IX Coordinator encourages Complainants to report if any issues resume and/or if retaliatory conduct occurs.

Appendix M

Appealing Dismissals of Formal Complaints Under Title IX

Both the Complainant and the Respondent may appeal the Title IX Coordinator's decision regarding dismissal of a Formal Complaint or the Hearing Panel's Determination Regarding Responsibility. Parties may appeal only on the following grounds: (A) a procedural irregularity that affected the outcome of the matter; (B) new evidence that was not reasonably available at the time the Determination Regarding Responsibility or decision regarding dismissal was made that could affect the outcome of the matter; and/or (C) the Title IX Coordinator, Investigator, Hearing Panel member, or decision-maker on appeal 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.

Appealing dismissals of Formal Complaints.

1. Appeals of the dismissal of a Formal Complaint must be submitted in writing to the Chancellor or her/his designee within 7 days of receiving the written notice of dismissal. The Chancellor or her/his designee will notify the other party in writing when an appeal is filed, provide an opportunity to that party to review the appeal unless prohibited by law, and allow that party to submit additional material to be considered together with the appeal. Any additional material must be submitted within 7 days of being notified that the other party has appealed. Any additional material submitted is made available to the appealing party unless prohibited by law.
2. The Chancellor or designee may delegate or assign responsibility for reviewing the appeal of a dismissal of a Formal Complaint to an appropriate official with the requisite training and having no conflict of interest or prior involvement in the case. Possible delegees may include, but are not limited to, officials from the University of Illinois at Urbana/Champaign or the University of Illinois at Chicago. Delegees may not include the Title IX Coordinator, the investigator(s), or anyone else having any prior involvement in the case.
3. The Chancellor or her/his designee will thoroughly review the appeal, any material submitted by the other party, and the written notice of dismissal. The Chancellor or her/his designee may also request any additional information, which will be shared with the parties in advance of the Chancellor or her/his designee's decision on the appeal unless prohibited by law. The Chancellor or her/his designee will issue a written decision based upon a preponderance of the evidence within 14 days following receipt of the appeal and any additional material submitted by the other party, unless the Chancellor or her/his designee determines additional time is necessary. The Chancellor or her/his designee will simultaneously notify the parties in writing of 1) any extension of time to render a decision and the reason for the extension, and 2) the decision on the appeal and the rationale for the result.

Appendix N

Informal Resolution Process Under Other Laws, Regulations and Policies

In some situations, a Complainant may wish for the alleged conduct to be addressed but does not desire remedies that would involve going through the university's formal grievance process (e.g., punitive disciplinary sanctions). In these cases, the Complainant may request that the Title IX Coordinator facilitate an informal resolution if it is appropriate under the circumstances.

In determining whether an informal resolution is appropriate, Title IX Coordinator will meet with the Complainant to discuss this policy and confirm that the Title IX Coordinator has a complete understanding of the Complainant's issues or concerns, including all pertinent facts and circumstances.

The Title IX Coordinator also confirms that the Complainant feels comfortable and confident that the Title IX Coordinator understands the Complainant's issues or concerns, and that the Complainant understands all of their available options under this policy.

If after this discussion, both the Title IX Coordinator and the Complainant agree that the informal resolution process is appropriate, the Title IX Coordinator directly assists and guides effective and equitable problem-solving efforts, working with the Complainant and other relevant parties as appropriate.

If at any time during the informal resolution process either 1) the Complainant desires to formally submit a complaint, or 2) facts or circumstances arise that indicate that an informal resolution is not appropriate based on the circumstances of the situation, the Title IX Coordinator will terminate the informal resolution process and handle the matter consistent with the other provisions of this policy.

Appendix O

Complaint Resolution Process Under Other Laws, Regulations and Policies

Upon receipt or initiation of a complaint, the Title IX Coordinator confers with the Complainant to establish the nature of the complaint. The Title IX Coordinator also provides the Complainant with a copy of this policy and written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both at UIS and in the community. The Title IX Coordinator also provides information about reporting the allegations to the UIS Police, local law enforcement authorities, and external civil rights agencies.

Whenever possible, complaints are addressed within 120 days of filing, including completing the investigation and any process to adjudicate the allegations and, if appropriate, consider sanctions, unless UIS reasonably determines for good cause that additional time is required. Good cause includes complying with collective bargaining agreements, other University or campus policies, and/or state statutes and regulations. In such cases, UIS simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent.

For employee Respondents, resolution of any employment action is in accordance with applicable employment policies, practices or collective bargaining agreements. Administrators may take additional reasonable steps, as necessary, to prevent the recurrence of the Sexual Misconduct and may request advice from the Title IX Coordinator to implement corrective action.

Appendix P

Investigating Complaints Under Other Laws, Regulations and Policies

INVESTIGATION PROCESS

If the Title IX Coordinator determines that the issue or concerns presented, if true, would constitute a violation of this policy, s/he consults with the Complainant to determine if a formal investigation is appropriate. The Complainant has the option of requesting that no formal investigation be conducted. The Title IX Coordinator will consider the request in light of broader campus safety and institutional responsibilities when deciding whether it is appropriate to honor a request for no formal investigation. If the Title IX Coordinator concludes an investigation is appropriate, it is conducted by a trained Investigator, who may be the Title IX Coordinator, in a prompt, thorough, fair and impartial manner.

As part of the investigation process, the Investigator informs the Respondent of the nature of the complaint. The Investigator meets separately with the Respondent and others deemed by the Investigator to be necessary to ascertain the factual basis of the complaint. Any disclosures the Investigator makes regarding the complaint (including in the case of employees to the Respondent's supervisory staff, the appropriate unit head or dean, and the appropriate vice chancellor or executive administrator) are made only if deemed necessary to conduct the investigation, provide appropriate services to the Complainant, or protect the rights of either the Complainant or the Respondent. All disclosures are consistent with FERPA or applicable employee privacy rights.

The investigation process consists of the Investigator gathering relevant information and completing a written Report of Investigation. In order to gather relevant information, the Investigator gives both the Complainant and Respondent equal opportunity to be interviewed, to submit written statements, to provide the names and contact information for potential fact and/or expert witnesses or to submit written statements from those witnesses, and to submit or identify other inculpatory or exculpatory evidence for the Investigator's consideration. The Investigator may require that any statements from witnesses offered by the parties, including expert witnesses, be submitted in writing.

Prior to completing the Report of Investigation, the Investigator:

- May meet with either party for follow-up fact-finding efforts, or to collect additional information from any source, as required.
- Provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Allows the parties 14 days to submit a written response, which the Investigator will consider prior to completing the Report of Investigation.

After reviewing all relevant evidence and any responses to the evidence submitted by the parties, the Investigator creates a Report of Investigation that fairly summarizes the investigation and the relevant

evidence. The Investigator sends the Report of Investigation in an electronic or hard copy format contemporaneously to each party for their review and written response. Any written response must be received by the Investigator within 14 days of the date the Report of Investigation was sent to the parties.

The Report of Investigation, as well as any response received from either party, is forwarded for resolution to the Dean of Students for student Respondents and to the Title IX Coordinator for employee Respondents.

The Investigator may reopen the investigation at any time for good cause shown, including at the request of the parties, the Title IX Coordinator, the Dean of Students, the relevant supervisors, or Human Resources, and issue a revised Report of Investigation. In such cases, the above notice and comment rights apply to the revised Report of Investigation.

Both parties have the right to have the assistance of and/or to be accompanied by an advisor at any meeting or interview they participate in as part of the investigation provided that the involvement of the advisor does not result in undue delay of the meeting or interview.

The advisor may, but need not be, an attorney. Each party is responsible for any costs associated with his or her advisor. To ensure direct access to relevant facts and circumstances, the Title IX Coordinator may restrict the role advisors play in the investigatory process, provided such restrictions are evenly applied to both parties.

In conducting the investigation, the Investigator requires access to all pertinent material, records, reports, documents and computerized information in the possession of any UIS personnel, and the Investigator must be given the opportunity to interview all persons possessing relevant information unless exempt from disclosure or reporting under state or federal law.

Obstruction of an investigation of allegations of conduct prohibited by the policy is grounds for disciplinary action or sanctions by the appropriate body, up to and including termination of employment and/or dismissal or expulsion.

Appendix Q

Findings and Disciplinary Action Under Other Laws, Regulations and Policies

For student Respondents, the Office of the Dean of Students employs a hearing process to resolve complaints. The Dean of Students initiates the process by forwarding the Report of Investigation, together with any written responses submitted by the parties, to the Chair of the Executive Panel for a proceeding under the Student Conduct Code.

For employee Respondents,

- The Title IX Coordinator reviews the Report of Investigation, together with any written responses submitted by the parties, and prepares a written determination regarding whether the Respondent committed the alleged Sexual Misconduct and, if so, recommends appropriate corrective options.
- The Title IX Coordinator provides the determination, as well as the Report of Investigation and any written responses submitted by the parties, to appropriate supervisors of the Respondent and other officials.
- The Title IX Coordinator also contemporaneously notifies both parties in writing of the determination. The notice of complaint outcome also informs the parties that they may appeal the Title IX Coordinator's determination within 7 days of the date of the notice and/or file a complaint with an appropriate state or federal agency or the courts.
- After the decision on any appeals, or the deadline for submitting any appeals passes, the Respondent's supervisors or other officials may, if appropriate, take disciplinary action applicable to the Respondent's employee group.

SANCTIONS

The range of possible sanctions for student Respondents determined to be responsible for Sexual Misconduct includes a warning, written reprimand, restitution, community service, probation, suspension, and dismissal.

The range of possible sanctions for employee Respondents determined to be responsible for Sexual Misconduct includes oral warnings, written warnings, or reassignment. Sanctions may also include initiation of processes to effectuate a demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, and/or termination.

RECORDS

UIS maintains records documenting any reports or complaints alleging Sexual Misconduct and how such reports or complaints were resolved. Records include, but are not limited to, any agreements reached under the informal resolution process, Reports of Investigation, and documentation of corrective action taken, follow-up/monitoring activities, and any mandated reporting. All records are

confidential and are made available to persons outside of the process only as required or permitted by law.

Appendix R

Appeals Under Other Laws, Regulations and Policies

Complainants and Respondents may appeal the complaint outcome.

For complaints involving student Respondents, the procedures for appealing determinations and/or sanctions are set forth in the Student Conduct Code.

For complaints involving employee Respondents, both the Complainant and the Respondent may appeal the Title IX Coordinator's responsibility determination. Parties may appeal only on the following grounds: 1) a procedural error occurred, and/or 2) new information exists that would substantially change the outcome of the finding. Appeals of the complaint outcome are decided by an administrative review of the relevant documents as set forth below.

- Appeals of the Title IX Coordinator's responsibility determination must be submitted in writing to the Chancellor or her/his designee within 7 days of receiving the notice of complaint outcome. The party opposite the appealing party is given an opportunity to review the appeal, to the extent permitted by law, and to submit additional material to be considered together with the appeal. Any additional material must be submitted within 7 days of being notified the other party has appealed. Any additional material submitted is made available to the appealing party subject to applicable privacy laws.
- The Chancellor may delegate or assign responsibility for reviewing the appeal to an appropriate official with the requisite training and having no conflict of interest or prior involvement in the case, including but not limited to an official from the University of Illinois at Urbana/Champaign or the University of Illinois at Chicago.
- The Chancellor or her/his designee will thoroughly review the appeal, any material submitted by the other party, and the written record of the complaint. The Chancellor or her/his designee may also request any additional information, which will be shared with the parties in advance of the Chancellor or her/his designee's decision on the appeal, subject to applicable privacy laws.
- The Chancellor or her/his designee will issue a written decision based upon a preponderance of the evidence within 14 days following receipt of the appeal and any additional material submitted by the other party, unless she/he determines additional time is necessary.
- The Chancellor or her/his designee will simultaneously notify the parties in writing of 1) any extension of time to render a decision and the reason for the extension, and 2) within 7 days after conclusion of the review, the decision on the appeal.
- Employees should follow the procedures applicable to the Respondent's employee group for appealing or grieving the imposition of any sanctions.